
TOXICS RELEASE INVENTORY

TRI FORM R TOXIC CHEMICAL RELEASE REPORTING

INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT

**OMB CONTROL NO. 2070-0093
EPA ICR #1363.15**

December 10, 2007

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1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

TITLE: **Toxics Release Inventory (TRI) Form R Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act**

EPA ICR No.: **1363.15**

OMB Control No.: **2070-0093**

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) is for the information collection requirements for toxic chemical release reporting under §313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11001 et seq.) and the information collection requirements in §6607 of the Pollution Prevention Act (PPA) (42 U.S.C. 11071 to 11079). In short, EPCRA §313 requires certain owners or operators of certain facilities in covered industries that manufacture, process, or otherwise use any of nearly 650 listed toxic chemicals and chemical categories (hereafter "toxic chemicals") in excess of the applicable threshold quantities to report their environmental releases and transfers of and waste management activities for such chemicals annually.¹ Under §6607 of the PPA, facilities must provide information on the quantities of the toxic chemicals in waste streams and the efforts made to reduce or eliminate those quantities.

Currently, facilities subject to the TRI reporting requirements may use either the EPA Toxics Release Inventory Form R (EPA Form #9350-1), or, if they meet lower threshold requirements, the EPA Toxics Release Inventory Form A Certification Statement (EPA Form #9350-2), which is approved under Office of Management and Budget (OMB) Number 2070-0143 (see the Form A ICR Supporting Statement for more information on these reporting requirements). With Form R, one chemical is reported per form; with Form A, multiple chemicals may be reported per form.² Due to the TRI Burden Reduction Rule promulgated December 22, 2006, Form A eligibility is expanded to allow, for the first time, limited use of Form A for persistent, bioaccumulative, toxic (PBT) chemicals. (71 FR 76932, December 22, 2006).

¹ Certain sectors are subject to TRI reporting. For a complete listing of the North American Industry Classification System (NAICS) codes subject to TRI reporting see Appendix F of this ICR Supporting Statement. These NAICS codes correspond to the Standard Industrial Classification (SIC) codes included in the statutory requirement pursuant to EPCRA §313 (42 U.S.C. 11001 et seq.) and PPA §6607 (42 U.S.C. 11071 to 11079).

² Refer to Appendix A of this Supporting Statement for a blank Form; refer to Appendix A of the Form A Supporting Statement for a blank Form A. For the full set of instructions and Forms, refer to <http://www.epa.gov/tri/report/#forms>.

EPA is proposing changes to the Form R and Form A Certification Statement to standardize responses and enhance the utility of the data. More specifically, the changes to the forms and TRI Reporting Forms and Instructions (RFI) described below allow facilities to provide more detailed information on how they estimate their data, facilitate efficient contact with the appropriate facility personnel, and improve understanding of the reasons behind form revisions or withdrawals.³ The changes are presented below:

- 1) *Provide more specific "basis of estimate" codes (Form R only).* Facilities may currently select among four codes to indicate how they calculate their release quantities: the use of monitoring data (code M), mass balance calculations (C), emission factors (E), and other approaches (O). The modification in the RFI to provide more specific codes will allow reporting facilities to provide more detailed information. Collecting this detailed information—more specific “basis of estimate” data—will help the TRI Program determine which methods are most often used and/or appropriate for use by particular industries for certain chemicals, as well as when new TRI guidance may be needed. Therefore, EPA will provide a more extensive list of codes for "basis of estimate" in the RFI, including (M1) and (M2) for continuous and periodic/random monitoring, respectively; and (E1) and (E2) for published and site-specific emission factors, respectively. (Note: codes (C) and (O) remain unchanged). Via these codes, facilities will indicate the principal method used to determine the quantities reported to TRI.
- 2) *Enhance Public Contact information (Form R and/or Form A, as noted below).* These changes provide efficiency gains for the Agency and the reporting facilities. Adding a "Public Contact" field to the Form A will provide the name of a person who can respond to questions from the public about the Form A Certification Statement in the same way that a person currently responds for Form R submissions. In addition, providing an e-mail address for the public contact on both Form R and Form A will make it easier to contact and follow-up with the Public Contact if necessary.
- 3) *Add boxes for entering revision codes (Form R and A).* The TRI Program currently receives many form revisions each year, but does not systematically collect information on the reasons for the revisions. The new revision codes will allow both the public and the TRI Program staff to better understand why a facility resubmitted a form. In addition, by analyzing the reasons for revisions, the TRI Program may be better able to address recurring reporting issues or problems that facilities may be facing, ultimately reducing errors and saving time for both the Agency and the reporting facilities. Therefore, facilities will now report up to two codes (listed and defined in the RFIs) indicating the main reason(s) that a form is being revised.
- 4) *Provide a field for withdrawing a form; and add boxes for entering withdrawal codes (Form R and A).* Currently, a facility that wishes to withdraw a previously submitted form must submit its request, including the rationale, as a hard copy memorandum to the TRI Data Processing Center via regular mail, certified mail, or overnight delivery. Adding a

³ For additional details, refer to Appendix A: Blank Form R, and Appendix B: Reporting Form Instructions Associated with Form Changes.

"Withdrawal" field and associated code boxes for reasons for withdrawal to Form R and Form A will (1) streamline the withdrawal process for facilities, (2) make it easier for EPA to automate the withdrawal process, and (3) improve the Agency's ability to analyze the reasons for withdrawals.

Pursuant to EPCRA §313 (and PPA §6607 because of its linkage to EPCRA), EPA's Office of Environmental Information (OEI) collects, processes, and makes available to the public all of the information collected. The information gathered under these authorities is stored in a database maintained at EPA and is available through the Internet. EPA; other federal, state, and local government agencies; industry; and the public use TRI extensively. Program offices within EPA and other government agencies have used TRI, along with other sources of data, to establish priorities, evaluate potential exposure scenarios, and conduct enforcement activities. Industries use TRI data to identify pollution prevention opportunities and set goals for emissions reductions. Environmental and public interest groups use TRI data to make the public more aware of releases of chemicals in their communities, as well as to initiate direct negotiation and risk reduction with facilities.

EPA has developed EPA Information Quality Guidelines to ensure the utility, objectivity, and integrity of information that is disseminated by the Agency. The information supporting this ICR is consistent with all appropriate EPA policies, including EPA's Information Quality Guidelines. In particular, the EPA Agency-wide quality system helps ensure that EPA organizations maximize the quality of information disseminated by the Agency. The quality system is documented in EPA Order 5360.1 A2, *Policy and Program Requirements for the Mandatory Agency-wide Quality System* and the *EPA Quality Manual for Environmental Programs* 5360 A1, May 2000. The information supporting this action is also consistent with *EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act of 1995*, revised November 2005. It is EPA's intention that collection of information under this ICR will result in information that will be collected, maintained, and used in ways consistent with both EPA's Information Quality Guidelines and the OMB Information Quality Guidelines.⁴

TRI has produced real gains in understanding. Communities and governments now know the identities and quantities of listed toxic chemicals that many industrial facilities in their area release, transfer, or otherwise manage as waste. In addition, TRI provides industries with an additional tool for evaluating efficiency and progress on their pollution prevention goals.

OMB last approved this ICR on March 3, 2006, with an expiration date of January 31, 2008.⁵ The approved ICR reflected a reporting burden of 3,746,590 hours and \$170.5 million for Form

⁴ The Office of Management and Budget publishes these guidelines in accordance with the Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (Government-wide Guidelines) published in interim final form by OMB in the *Federal Register* in Volume 66, No. 189 at 49718 on September 28, 2001, and updated in final form in Volume 2, No. 67 at 8452 on February 22, 2002.

⁵ For a complete chronology of TRI rulemaking and ICR Renewals along with resultant impact on Form R reporting burden, see Figure 1 and Table 18.

R respondents.⁶ In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased, yielding a net burden decrease) with total responses, burden, and cost of Form R reporting projected at 66,751 responses, 3,215,715 hours and \$160.73 million. Further, the TRI program is proposing to add data elements and revise instructions on the reporting forms. The added data elements and revised instructions are estimated to minimally increase the total respondent burden and cost for Form R reporting to 3,217,280 hours and \$160.79 million.

The time required for Form R calculations, form completion, and recordkeeping is estimated to average 29.66 hours per form for a Non-PBT chemical and 51.34 hours for a PBT chemical. By comparison, the burden is estimated to average 20.52 hours for facilities submitting a Form A Certification Statement for a single listed Non-PBT chemical and 35.89 hours for facilities submitting a Form A Certification Statement for a single listed PBT chemical under EPCRA §313 (all estimates incorporate proposed changes).

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This information collection activity is a statutory requirement pursuant to EPCRA §313 (42 U.S.C. 11001 et seq.) and §6607 of the PPA (42 U.S.C. 11071 to 11079). According to EPCRA §313(h), the data submitted in the forms are intended to "inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes."

Section 6602 of the PPA establishes a national policy that pollution should be prevented or reduced at the source whenever feasible. To further this goal, EPA is to establish a source reduction program that collects and disseminates information, among other responsibilities. The information collected under §6607 is intended to fulfill that responsibility in part and to provide a basis for measuring progress in pollution prevention in certain industrial groups.

Annual reporting under EPCRA §313 of toxic chemical releases and other waste management information on Form R provides citizens with an extensive picture of the total disposition of chemicals in their communities and helps focus industries' attention on pollution prevention and

⁶ The previous ICR period was 2006-2007. By the end of 2006, the TRI Burden Reduction Rule was promulgated, and the inventory was recalculated at 3,344,292 hours (no cost reported) due to shifts from Form R to Form A reporting (decrease of Form R burden of 402,298 hours—see the Economic Analysis of the TRI Burden Reduction Rule, December 2006). Please note that the recalculation of burden was estimated by subtracting projected changes from the previous ICR inventory. This calculation differs from the approach taken in the current ICR Renewal's economic analyses. In the 2006 calculation, the base number of the previous inventory was derived under different conditions (RY 2002, 93,380 total forms) than the increments (RY 2005, 89,312 total forms). In this ICR Renewal (and Form R/A Supporting Statements), RY 2005 data are used for baseline and increment estimates.

source reduction opportunities. EPA believes that the public has a right to know about the disposition of chemicals within communities and the management of such chemicals by facilities in covered industries subject to EPCRA §313 reporting.

2(b) Practical Utility/Users of the Data

According to many, the TRI Program is one of the most effective environmental programs ever legislated by Congress and administered by EPA. Its success is due, in large part, to the right-to-know provisions contained in the legislation itself. By requiring that the resulting data be made publicly available "by electronic and other means," Congress ensured that citizens, the media, environmental advocates, researchers, the business community, and others could influence and evaluate industry's efforts to manage toxic emissions. Consequently, data collected under EPCRA §313 and §6607 of the PPA are made available through EPA's Envirofacts and TRI Explorer databases. In addition, the public may also obtain TRI information through other sources such as OMB Watch's Right-to-Know Network (RTK NET) at <http://www.rtk.net>. RTK NET provides free public access to numerous databases, text files, and conferences on the environment, housing, and sustainable development.

In addition to providing information to the public via electronic means, EPA also conducts outreach activities to make key groups and the public aware of TRI. Journalists; educators; public interest, labor, and environmental groups; trade associations; and state governments continue to be key targets in these outreach efforts. In addition, libraries in communities all across the United States (in particular, members of the Federal Depository Library Program) are committed to providing public access to TRI data in a variety of formats. Educators are using the data to conduct studies and courses on the environment. Labor unions are using the TRI data to improve conditions for workers. Businesses are using the data in many ways—as a basis for reducing emissions, to cut costs, to improve operations, and for a variety of other reasons. Concerned citizens are a growing user group. These individuals, on their own and through organized groups, are using TRI to address concerns about the management and release of chemicals in their communities. Finally, states use the national data to compare chemical management and releases within industries and to set environmental priorities at the state level.

Because the value of TRI increases the more it is used, EPA encourages current users to acquaint new users with TRI; help people who already know about TRI to better use and understand the data; and, whenever possible, to provide feedback on ways to improve TRI products and services. Appendix C summarizes some examples of how the TRI data are used, both by EPA and others. The examples in Appendix C are not intended to be all-inclusive.

3 NONDUPLICATION, CONSULTATIONS, OTHER COLLECTION CRITERIA

3(a) Nonduplication

The basic information requested on Form R is required to be reported by law. Other statutes, however, also necessitate the reporting of information about releases of chemicals to the

environment, creating the possibility of overlap or duplication of reporting requirements. EPA anticipates some overlap and acknowledges that respondents may use readily available data collected pursuant to other provisions of law to complete the EPCRA §313 reports. However, information required by these other statutes may not provide readily accessible multi-media release and transfer, inventory, or pollution prevention data with the same scope, level of detail, chemical coverage, and frequency of collection as data currently included in TRI.

TRI contains information on releases, transfers, inventories, and pollution prevention activities for nearly 650 toxic chemicals and chemical categories. EPA is not aware of national databases that are comparable to the whole of TRI; however, several existing data sources contain media-specific data on releases and transfers. In theory, information from these databases could be combined to form an analog of release and transfer data contained in TRI. However, in practice, given the currently available data sources (see Table 1 and Appendix D), this substitution is implausible. For example, there are differences in chemical coverage and facility coverage, as well as differences in the level of public access, reporting frequencies, and the integration of data from various sources at the facility level.

Chemical Release and Transfer Data

The 1990 amendments to the Clean Air Act require EPA to monitor and regulate the emissions of criteria air pollutants (CAPs) and hazardous air pollutants (HAPs). EPA is required to identify the sources of these pollutants, quantify the sources by category, develop regulations, and then assess public health and environmental impacts. To facilitate this process, two emissions inventories were created: the National Toxics Inventory (NTI) for HAPs and the National Emission Trends (NET) for CAPs. These two databases were combined in 1999 to form the National Emissions Inventory (NEI) database.

NEI contains estimates of annual emissions for stationary and mobile sources of CAPs and HAPs. NEI is currently maintained by the Emission Inventory and Analysis Group (EIAG) in EPA's Office of Air Quality Planning and Standards (OAQPS). NEI is organized into four main categories: point sources (stationary), nonpoint sources (stationary), on-road sources (mobile), and nonroad sources (mobile).

Permit Compliance System (PCS) tracks permit compliance and enforcement status of facilities that discharge to surface waters (<http://www.epa.gov/enviro/html/pcs>). For entities that have received permits to discharge wastewater into navigable waters, PCS contains information on permit issuance and expiration dates, quantities the company is permitted to discharge, and the actual monitoring data showing what the company has discharged. PCS data are not directly comparable to TRI data because PCS is a permit tracking system and not a loadings system. Thus, PCS typically contains data on monthly monitoring of pollutant concentrations and flow, and not total releases. Since monitoring required by the National Pollutant Discharge Elimination System (NPDES) covers only selected chemicals in the wastewater, PCS contains data on a very limited set of the TRI chemicals.

Table 1
Major Release and Transfer Databases

Data Source	Media and Chemical Coverage	Relevant Release Statistics Available	Ease of Database Substitution for TRI Data⁷
National Emissions Inventory (NEI)	Contains annual emissions of six CAPs and 189 HAPs for facilities above reporting thresholds.	Total annual releases.	Includes air releases only. Data are updated only every 3 years. Coverage of TRI chemicals is limited.
Permit Compliance System (PCS)	Contains monthly discharge monitoring data for selected water pollutants and flow rates for major sources.	Concentration data; total annual releases (can be calculated); average daily releases, maximum “moment” if continuous monitoring.	Includes only chemicals for which a discharge limit has been set. Difficult to link between PCS parameters and a Chemical Abstract Service (CAS) number. Very limited monitoring data for minor dischargers.
Biennial Reporting System (BRS)	Contains waste volumes by Resource Conservation and Recovery Act (RCRA) waste code reported biennially.	Total annual off-site transfers of hazardous waste for land disposal; total annual releases to publicly owned treatment works (POTWs).	Many RCRA waste codes are not specific to an individual CAS number. Quantities of chemicals in waste cannot be determined. Portion of waste stream matching each waste code cannot be determined.

Under the Resource Conservation and Recovery Act (RCRA), large quantity generators and treatment storage and disposal facilities are required to submit information on the generation, management, and final disposition of RCRA-defined hazardous wastes. Every two years, filers must report the following information about each waste generated or managed in the preceding year: constituent waste codes; amounts generated; on- and off-site treatment, storage, and management; wastes received; and off-site shipment recipients. Facilities submit these biennial Hazardous Waste Reports to the state or EPA Regional office. The biennial reports are stored centrally in EPA’s RCRAInfo system and are available approximately two years after the covered year (<http://www.epa.gov/epaoswer/hazwaste/data/biennialreport/index.htm>). Biennial Reporting System (BRS) data do not duplicate the information contained within TRI, as: (1) hazardous waste codes do not necessarily map to unique chemicals; (2) quantities of specific chemicals in the waste stream cannot be determined; (3) reporting occurs every other year, as opposed to annually for TRI; and (4) data are not available to the public until two years after reporting.

⁷ “Ease of substitution” refers only to the potential of the information in the database to substitute for TRI reporting. It does not imply that the database is not adequate for the purposes for which it was designed.

Chemical Inventory Data

TRI also contains inventory data, which make up a small portion of the total data. The most likely alternatives for TRI inventory data are the Tier I/II data reported under EPCRA §312. Under EPCRA §312, regulated facilities must submit annual inventory reports of hazardous chemicals stored on-site to the state. Tier I requires reporting on broad categories of physical hazards, while Tier II requires chemical-specific information by CAS number. The information contained in the Tier I and Tier II reports surpasses the chemical inventory data requested on TRI Form R in terms of the chemicals covered and level of detail. However, there are significant difficulties associated with public access of Tier I and Tier II data, including the lack of a nationally integrated database and restrictions on public access due to security concerns.

Under §112(r) of the Clean Air Act, facilities with processes that use or store more than a specified amount of certain flammable and toxic substances are required to develop and implement a risk management program and submit to EPA a summary of their program—called a Risk Management Plan (RMP). These plans include the amounts (in pounds) of each substance that are processed or used, hazard assessments of the potential effects of hypothetical accident scenarios, a five-year history of accidental releases involving regulated substances at the facility, and information about the facility's accident prevention and emergency response programs. Facilities with processes that use or store more than a threshold amount (500–20,000 pounds) of a listed chemical must file an RMP and update their filing at specified times, including following a significant accidental release.

Pollution Prevention Data

In addition to release/transfer and inventory data, TRI also collects pollution prevention data from reporting facilities. Pollution prevention data somewhat analogous to data in TRI can be found in the National Biennial Reports (described above) and in databases administered by two state environmental agencies. While BR data provide both qualitative and quantitative pollution prevention information, facility or chemical coverage is not directly comparable to those data specified in TRI pollution prevention reporting requirements. BR contains data on generation, transfer, and management of hazardous wastes, while pollution prevention data contained in TRI includes information on wastes or process by-products in all production phases and media. In addition, states have come to rely on the pollution prevention data provided to them by TRI. As a result, no state program collects all of the pollution prevention data currently available in TRI.

In Appendix D, data elements available from several information sources are compared to those reported to TRI. The analysis is broken down by the specific types of data collected under TRI. While Appendix D displays sources that might appear to be substitutes for TRI, they do not adequately address the entire scope of TRI, even in combination. For example, a given source may:

- ♦ Not include all toxic chemicals covered by TRI
- ♦ Be compiled less frequently than TRI

- ♦ Not be easily accessible (or accessible at all) to the general public.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA is planning to submit a request to renew existing approved ICRs for both Form R and A to OMB. Both ICRs are scheduled to expire on January 31, 2008. Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collections. A Federal Register Notice will be published to announce this renewal request.

3(c) Consultations

EPA has consulted with a large number of individuals and organizations throughout all segments of the public in the development and continued implementation of the TRI Program. EPA has received feedback from various organizations, including environmental and public interest groups, trade associations, and individual representatives, through its outreach efforts in venues such as:

- Stakeholder meetings and online dialogues to discuss issues such as options for reporting burden reduction
- The TRI National Meeting held every year and open to the public every other year.

EPA continually seeks this feedback and incorporates it into the ongoing evolution of the TRI Program. Lists of organizations with which EPA has consulted in the past few years are presented in Appendix E.

3(d) Effects of Less Frequent Collection

Section 313 requires annual reporting on either Form R or Form A. Section 313(i) permits EPA to modify the reporting frequency by rulemaking; however, EPA must first notify Congress and then delay the initiation of such a rulemaking for at least 12 months, but no more than 24 months, from the date of the notification. In addition, EPA must find:

...that the modification is consistent with the provisions of subsection (h) of [§313] based on -

- (i) experience from previously submitted toxic chemical release forms
- (ii) determinations made under paragraph (3).

Paragraph (3), in turn, provides that EPA must determine:

(A) The extent to which information relating to the proposed modification provided on the toxic chemical release forms has been used by the Administrator or other agencies of the federal government, states, local governments, health professionals and the public.

(B) The extent to which information is (i) readily available to potential users from other sources, such as state reporting programs, and (ii) provided to the Administrator under another federal law or through a state program.

(C) The extent to which the modification would impose additional and unreasonable burdens on facilities subject to the reporting requirements under this section.

Since TRI represents the best available multi-media database for tracking toxic chemical releases in the United States, a change in the reporting frequency to less than once a year could have a significant impact on the availability of timely toxic chemical data and affect data users, particularly at the community level. Additionally, public access to the most current toxic chemical release data and other waste management information would become more difficult.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, as amended, OMB's implementing regulations, and all applicable OMB guidance.

Although reporting facilities are required to identify the chemical for which reports are submitted, they can claim the chemical identity as a trade secret. A generic name must be provided as part of the information made available to the public. EPA securely stores and maintains the true identity of the chemical (see also Section 3(f)).

EPA continues to encourage submission through the Internet via EPA's Central Data Exchange (CDX) by using the Toxics Release Inventory Made Easy (TRI-ME) reporting software. In preparing submissions within the TRI-ME reporting software and submitting them via the Internet, both the cost and the time required to enter and process the data are reduced. Also, for facilities using the TRI-ME reporting software, quality checks are streamlined, allowing EPA to release the data to the public sooner. All these benefits apply to reporters using the technology, regardless of whether they submit via Form R or Form A.

Small facilities (with fewer than 10 full-time employees or the equivalent) are exempt from reporting under EPCRA §313. Two particular provisions that apply to TRI reporters universally: 1) the optional range reporting provision and 2) an alternate threshold allowing increased Form A eligibility are particularly beneficial to non-exempt smaller facilities with small releases and wastes.

3(f) Confidentiality

Respondents may designate the specific chemical identity of a substance as a trade secret according to EPCRA §322. Procedures for submission and review of trade secret claims under EPCRA §313 are set forth in 40 CFR 350. When a facility claims the chemical identity to be a trade secret and properly substantiates the claim, EPA will not disclose the identity of the chemical to the public. EPA securely stores forms with trade secret information and allows

access to those documents only to persons with Trade Secret clearance. Data made available to the public through any means do not include trade secret information.

3(g) Sensitive Questions

This collection does not request any sensitive information.

4 THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The reporting requirements found in EPCRA §313 apply to owners and operators of facilities that have 10 or more full-time employees, manufacture or process more than 25,000 pounds or otherwise use more than 10,000 pounds of a listed chemical, and are in the manufacturing sector or in any of seven additional industry sectors added to the TRI Program by EPA in 1997. Historically these sectors were identified by their Standard Industrial Classification (SIC) codes. Beginning with Reporting Year (RY) 2006, the TRI Program has converted from SIC codes to NAICS codes (71 FR 32464, June 6, 2006). The full list of NAICS codes for facilities that must report to TRI (including exemptions and/or limitations) if all other threshold determinations are met can be found in Appendix F.

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

Facilities reporting to TRI report releases and other waste management of listed chemicals on Form R. The required data items, which are summarized below, are specified in 40 CFR §372.85. Form R is divided into two sections. In **Part I**, respondents report facility identification information such as facility name and address, NAICS code, Dun and Bradstreet (D&B) number, name of parent company and parent company D&B number, and name and address of technical contact. In **Part II**, respondents report:

- Toxic chemical identity
- Mixture component identity
- Activities and uses of the toxic chemical at the facility
- Maximum amount of the toxic chemical on-site at any time during the calendar year
- Quantity of the toxic chemical entering each environmental medium on-site
- Transfers of the toxic chemical in wastes to off-site locations
- On-site waste treatment methods and efficiency
- Source reduction and recycling activities.

As mentioned above, EPA is proposing changes to the Form R and Form A Certification Statement to standardize responses and enhance the utility of the data. More specifically, the changes to the forms and TRI Reporting Forms and Instructions (RFI) described below will allow facilities to provide more detailed information on how they estimate their data, facilitate efficient contact with the appropriate facility personnel, and improve understanding of the reasons behind form revisions or withdrawals.⁸ The changes are presented below:

- 1) *Provide more specific "basis of estimate" codes (Form R only).* Facilities may currently select among four codes to indicate how they calculate their release quantities: the use of monitoring data (code M), mass balance calculations (C), emission factors (E), and other approaches (O). The modification in the RFI to provide more specific codes will allow reporting facilities to provide more detailed information. Collecting this detailed information—more specific “basis of estimate” data—will help the TRI Program determine which methods are most often used and/or appropriate for use by particular industries for certain chemicals, as well as when new TRI guidance may be needed. Therefore, EPA will provide a more extensive list of codes for "basis of estimate" in the RFI, including (M1) and (M2) for continuous and periodic/random monitoring, respectively; and (E1) and (E2) for published and site-specific emission factors, respectively. (Note: codes (C) and (O) remain unchanged). Via these codes, facilities will indicate the principal method used to determine the quantities reported to TRI.
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⁸ For specific details, refer to Appendix A: Blank Form R, and Appendix B: Reporting Form Instructions Associated with Form Changes.

associated code boxes for reasons for withdrawal to Form R and Form A will (1) streamline the withdrawal process for facilities, (2) make it easier for EPA to automate the withdrawal process and (3) improve the Agency's ability to analyze the reasons for withdrawals.⁹

Facilities must maintain records used to provide the information required on the form according to 40 CFR §372.10. Those records may include estimation methodology and calculations; engineering reports; inventory, incident, and operating logs; and other supporting materials. Facilities must keep a copy of each report filed for at least three years.

(ii) Respondent Activities

To comply with the EPCRA §313 reporting requirements facilities' activities are considered in the following phases:

- **Compliance Determination** Facility staff must determine whether they meet the criteria for EPCRA §313 reporting. Staff will spend time becoming familiar with the definitions, exemptions, and threshold requirements under the TRI Program, reviewing the list of TRI chemicals, and conducting preliminary threshold determinations to determine if the facility is required to report.
- **Rule Familiarization** First-time filers must read the reporting package and become familiar with the reporting requirements. Staff will spend time reviewing instructions and training personnel to be able to respond to a collection of information.
- **Calculations and Report Completion** Facility staff must gather data and perform calculations to provide the information required on the form. Staff will spend time searching data sources, completing the form, and reviewing the information.
- **Recordkeeping and Submission** Facility staff must maintain recordkeeping systems and mail the report to EPA and the state in which the facility is located. Staff will spend time transmitting or otherwise disclosing the information.
- **Supplier Notification** Certain suppliers of mixtures or trade-name products containing reportable substances must annually notify their customers of the product's composition, if the customers are subject to EPCRA §313 reporting. Staff will spend time informing customers, either by letter or through the materials safety data sheet (MSDS) for the product.

EPA makes instructions and guidance documents available to respondents; in addition, a toll-free hotline is available to handle general and technical inquiries from the regulated community.

⁹ Reporting instructions associated with the new data elements are presented in Appendix B.

5 THE INFORMATION COLLECTED—AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

EPA engages in many activities to fulfill the requirements of EPCRA. These activities can be grouped in the following categories that cover what the Agency does to assist the regulated community with compliance, to process the data, to maintain the database, and to make the data available:

- Assistance to Reporters
- Electronic Reporting
- Paper-Based Reporting
- Data Processing and Quality Control
- Database Organization
- Links to State Reporting
- Making Data Available
- List Revisions and Petition Reviews
- Trade Secrecy Reviews

Assistance to Reporters. The Agency operates a successful outreach program to assist businesses in obtaining and completing both the Form R and Form A Certification Statement. Assistance to electronic reporters includes automated error-checking and messaging, pre-populated data fields, and consolidated state and federal report submissions.^{10, 11} Additionally, general guidance has been prepared for estimating releases, including 14 industry-specific guidance documents.

EPA operates a training program to familiarize EPA Regional personnel with the reporting requirements and to train them in providing technical assistance to respondents. Using that training, the EPA Regions conduct numerous workshops each year to explain the reporting requirements to the regulated community. EPA also conducts a training program on EPCRA §313 reporting requirements to train private businesses and consultants that wish to provide advice on EPCRA §313 compliance. Also, EPA operates a toll-free hotline to answer general questions and direct potential respondents to proper EPA personnel. A second hotline is available to answer questions about the electronic reporting software and the procedure for

¹⁰ Prior to RY2007, electronic reporting was conducted primarily via TRI- Made Easy (TRI-ME) desktop software. For the reporting cycle that begins with this ICR, the TRI Program is launching TRI-MEweb, a Web-based reporting software with all the capabilities of the previous system, plus major enhancements.

¹¹ Historically, A CD-ROM containing an annually updated reporting package was distributed directly to all TRI respondents who reported in the prior year. The package contained an electronic copy of the reporting forms and detailed instructions along with a reporting software application that allows reporters to submit their data over the Internet or on computer diskettes. Starting in RY2007, the CD-ROMs will be available upon request, but not mass-mailed. As always, the reporting forms and instructions and the application are available for download at <http://www.epa.gov/tri>

submitting and certifying data to EPA over the Internet. In addition, the Agency maintains a Web site with current program-specific information and guidance (<http://www.epa.gov/tri>).

EPA has also provided guidance for persons or organizations interested in petitioning the Agency to add or delete chemicals from the TRI list. In addition to this guidance, EPA convenes pre-petition meetings to assist petitioners if they request such assistance.

Electronic Reporting. Ninety-seven percent of all TRI Form Rs and Form As are prepared and submitted using the Toxics Release Inventory Made Easy (TRI-ME) reporting software. TRI-ME is a software application that TRI facilities can use for entering and validating their data. Historically, this software has been desktop-based and distributed via posting on the TRI Web site and mailing directly to facilities (via CD-ROM) each year. Beginning in RY2007, a new version of TRI-ME—TRI-ME*web*, will be fully launched with the intent to eventually replace TRI-Me desktop.

Given that this ICR covers the transition period between reporting by TRI-ME desktop and TRI-ME*web*, both methods are discussed here. Capabilities in TRI-ME desktop that will be replaced or incorporated into TRI-ME*web* include:

- Facilities can key or upload their data into TRI-ME. TRI-ME provides reporting guidance to help facilities determine if they need to report for specific chemicals and to assist them in the actual reporting. TRI-ME also provides facilities with extensive data validation checking through point-of-entry edit checks as well as a cumulative, mandatory batch test prior to submission. The cumulative batch test provides users with descriptive messages and links back to the form where potential errors exist.
- After entering their data into the TRI-ME application and validating them, facilities have two options for submitting their data to EPA. First, facilities can send their TRI data to EPA and certify them electronically via EPA's Central Data Exchange (CDX). Second, they can save the data to a diskette, print and sign a certification letter, and mail both items to TRI's EPCRA Data Processing Center.
- Data submitted to TRI via the CDX are automatically forwarded to the TRI EPCRA Data Processing Center (DPC) and loaded into the TRI Processing System (TRIPS) database. The TRIPS database is located at EPA's National Computer Center in Research Triangle Park, NC. For diskette submissions, the data are received at the DPC, cataloged, scanned for viruses and loaded into the TRIPS database.
- Through the TRI State Data Exchange Network, facilities are able to submit their data via CDX once to both EPA and the participating state government. Upon submission to CDX, a copy of the data is simultaneously sent to EPA's TRIPS database and to the appropriate state via the TRI State Data Exchange Network. This reporting option

allows facilities to fulfill their legal obligation to report to the federal and state entities through a single submission of data to CDX.

In 2007 (RY 2006), the TRI Program piloted a Web version of the TRI-ME software that also increases the original functionality of the TRI-ME desktop application in several areas. Full implementation of TRI-ME*web* is planned for 2008 (RY2007).¹² Similar to the existing desktop version, the TRI-ME*web* application allows online submission and certification of the data. But additional enhancements include:

- **Preloaded Forms and Central Data Storage.** The TRI-ME*web* application allows users to preload their forms with prior year data stored in an EPA-maintained database. This database is separate from the TRIPS database which is used to store certified TRI submissions. TRI-ME*web* currently allows users to review and revise data as far back as 2006 (RY2005) and will eventually allow for the recall of up to five previous years worth of data. In addition, the application stores work-in-progress data via the same online database, so that users will no longer have to manage the data themselves (i.e., they will not have to save the information on their hard drive).
- **Quick Lists.** The TRI-ME*web* application contains a redesigned questionnaire and “quick lists” that streamline reporting tasks. Similar to tax reporting software, from which TRI-ME*web* was modeled, “quick lists” allow users to narrow their data entry to only the pertinent areas.
- **Data Quality Checks.** The Web version introduces new semantic checks of data quality that compare a facility’s data to prior year submissions; EPA registry data; and ultimately, data from industry and similarly-sized facilities. Unlike the experience in TRI-ME desktop software, comparisons occur online in real time, allowing the user to review data for quality concerns and make corrections at that time.
- **On-Line Revisions and Withdrawals** The application allows true online revision and withdrawal of data by facilities. Through this feature, facilities will be able to access previously submitted forms, revise/withdraw, and recertify them in one quick and easy step.
- **Automated Section 8 Calculator** TRI-ME*web* automatically calculates Section 8 Column B (current year) estimates based on data entered in other form sections. Users may tailor the calculation's inputs, but cannot enter their own calculated values. This approach is intended to reduce the frequent mathematical errors in Section 8 and simplify the reporting process.
- **TRI Assistance Library** The TRI Assistance Library is available in a Web-based format to help users complete their TRI submissions.

¹² TRI-ME*web* is slated to become the sole reporting software for TRI electronic reporting in 2009 or 2010, when the desktop version of TRI-ME will be discontinued.

Paper-Based Reporting. Facilities can also submit data to TRI on paper forms. When facilities submit TRI reports on paper, the information is keyed into the TRIPS database on a PC-based wide area network (WAN). Automated data quality checks begin at data entry; these include various edit checks and the start of standardization of some of the data fields. At this point, the emphasis is on identifying forms that are not completed correctly. If the problem(s) identified prevent further processing of the form, EPA sends a Notice of Significant Error (NOSE) to the respondent.

Unlike with paper submissions, the mandatory data validation routines in the TRI-ME reporting application will not allow the submission of forms that are not completed correctly. This protection applies to the data entry fields in the form but cannot, of course, apply to the signature field in cases when the reporter does not sign the Certification Statement for forms submitted on diskette.

Data Processing and Quality Control. Once the reported data have entered the TRIPS database, all the validation checks that were initially run via the TRI-ME application are repeated. For paper submissions, these checks are performed for the first time. Forms that fail these tests receive error notices known as Notices of Technical Error (NOTE). A NOTE points out possible data validity errors that are not technical in nature but are also not egregious enough to prevent the form from being disseminated (see NOSE above). In addition, a set of data quality checks that compare the incoming data with prior years data and various data thresholds are performed on the data for the first time. Further standardization of facility identification information continues.

Upon the completion of the data validation and quality checks, Facility Data Profile (FDP) reports are generated and made available for facility review on the FTP Web site. The reports contain an echoing back of the data and all validation (NOTE errors) and data quality messages that were generated after the data were loaded into the database. Facilities receive an e-mail alerting them when a report becomes available and asking them to access the password-protected site and review the report. After review, facilities can revise their data by submitting a certified replacement form via the TRI-ME software or on paper.

Database Organization. EPCRA §313(j) requires EPA to make TRI data available to the public through computer telecommunications and other means. EPA has found it beneficial to undertake a variety of activities to make the data more usable, given that computer searches only retrieve data in exactly the format requested. Because facilities report their data in a wide variety of ways, EPA has taken steps to use consistent names for counties, use a variety of nomenclature standards for names within the database, and assist in the standardization of the response data.

EPA generates a facility identification number for newly reporting facilities at the time of data entry. This allows linkage to all years of reports for a particular facility or location. The identification number also allows easy retrieval of cross-year data, even when a facility is sold or changes its name. This number has been sent to all facilities, and they are required to use it on

all future submissions to the Agency. Use of the facility identification number also facilitates data quality reviews and cross-year analysis.

Links to State Reporting. Under EPCRA §313, facilities are required to submit forms both to EPA and the state in which they operate. For additional quality assurance and tracking purposes, EPA provides all states with a listing of facilities that reported to the Data Processing Center for each reporting year. This reconciliation activity typically results in the identification of several cases where facilities did not report to both. Many states then provide lists of forms to EPA when EPA has not received copies, and vice versa. Both the state and EPA then contact the facilities from which they are missing forms and request submission. This activity has provided a critical step to assist EPA in coordinating the data collection with the states and completing both data repositories.

In 2004, EPA implemented the TRI State Data Exchange Network, which enabled facilities to simultaneously submit their data to EPA and their respective state governments. This new reporting option allowed facilities to fulfill their legal obligation to report to the federal and state entities through the sole submission of data through CDX. To utilize the TRI State Data Exchange Network, facilities have to (1) use the TRI-ME desktop application, (2) submit their data over the Internet to EPA's CDX, and (3) be located in a participating state. At the same time a transmission is sent to EPA's TRIPS database, CDX sends the data on to participating states via the Environmental Information Exchange Network (Exchange Network). The Exchange Network is a standards-based data network that allows the transfer of data between states and EPA. This capability will be sustained in the new TRI-MEweb application.

In 2006, EPA introduced a new flow to the TRI State Data Exchange Network by which data submitted via diskette and paper to the TRI Data Processing Center are also forwarded to participating states. This second stage of the network flow does not remove the obligation to report to both EPA and the reporter's state government because of necessary intervening steps such as data entry. However, it eliminates the need for dual data entry systems, allowing participating states to discontinue their data entry systems. In addition, these states no longer need to perform the annual form reconciliation with EPA, since they are obtaining the exact same flow of data that EPA receives from facilities.

Making TRI Data Available. Many options are available for accessing TRI data. For example, the annual TRI Public Data Release (PDR) includes an overview of the most recently reported TRI data, information on trends, and downloadable data files of all TRI reports submitted for the reporting year. The TRI data for RY 2005 were released on March 22, 2007, which was earlier than ever before. The RY 2005 PDR includes key findings, links to the data, and a link to TRI Explorer, one of EPA's electronic tools for TRI data analysis.

The TRI Program has also developed the electronic Facility Data Release (e-FDR) in response to public requests to make the TRI data available as soon as possible after the data are received by EPA. The e-FDR is a facility-level, form-by-form release of the TRI data, which provides an early look at individual facility data, but which does not include the in-depth analyses (e.g., national

trend analyses) that are provided in the PDR several months later. The first e-FDR, for RY 2003, was released in November 2004; the second e-FDR, for RY 2004, was released in November 2005; and the latest e-FDR, for RY 2005, was released in September 2006.

EPA has also developed database tools that can be used to access the data. One such tool, TRI Explorer, allows users to search the TRI data by ZIP code, county, and state, as well as view data at the national level. Combined with hazard and exposure information, it serves as a valuable tool for identifying potential chemical hazards in communities.

Using EPA's Envirofacts, users can determine which facilities in designated areas have reported toxic releases, including air emissions, surface water discharges, releases to land, underground injections, and transfers to off-site locations. Envirofacts allows the user to query and view data for each TRI Form R submitted by a facility.

Finally, the TRI Data Mart is a new tool that is to be released in 2007 to provide a single point of enhanced access to TRI data and analytical tools, just some of which are currently available through TRI Explorer or Envirofacts. The TRI Data Mart will provide greater analytical capabilities and be able to respond to a variety of customized data queries.

List Revisions and Petition Reviews. The list of toxic chemicals subject to reporting under EPCRA §313 is subject to change. The list can be modified by EPA-initiated reviews of chemicals or by public petition. EPCRA §313(e) requires the Agency to respond to petitions within 180 days either by initiating a rulemaking to add or delete the chemical(s) or by publishing an explanation of the reason for denying the petition. If a state governor submits a petition to add a chemical or chemicals and EPA does not respond within 180 days, the chemical(s) are automatically added to the toxic chemical list. After receiving a petition, EPA begins an intensive review that includes chemistry and toxicity analyses of the chemical(s). Depending on the toxicity of the chemical or chemicals, EPA's review also may include exposure and engineering analyses. The review produces a hazard assessment that may be subjected to an external peer review process before being used to determine if the chemical or chemicals meet the listing criteria. If a chemical meets the criteria for addition to the list, it is added or maintained on the list. For petitions to de-list a chemical, if the Agency determines that there is not sufficient evidence to establish any of the listing criteria, then the chemical is removed from the list.

The criteria for inclusion on the list are stated in EPCRA §313(d)(2): the chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases; the chemical is known to cause or can reasonably be anticipated to cause in humans cancer or teratogenic effects, or serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects; or the chemical is known to cause or can reasonably be anticipated to cause a significant adverse effect on the environment because of its toxicity, its toxicity and persistence in the environment, or its toxicity and tendency to bioaccumulate in the

environment. EPA may list chemicals as a category or add individual chemicals that meet the EPCRA §313(d)(2) criteria.

Trade Secrecy Reviews. Respondents claiming a chemical identity as a trade secret must include substantiation. Each year TRI receives reporting forms with the trade secret box checked but no accompanying substantiation form. In these cases, EPA treats the trade secret claim as a mistake, and notifies the submitter. In many of these cases, the trade secret claim was not intended and no substantiation is necessary. In other cases, however, EPA receives completed trade secret claims. For more information on trade secrecy reviews, including the costs to EPA, see the ICR for the Trade Secrecy Rule for EPCRA (EPA #1428, OMB #2050-0078).

5(b) Collection Methodology and Management

EPA continues to encourage Form R and A submissions through the Internet via EPA's CDX and the interactive, intelligent, user-friendly TRI-ME software. This software asks the user simple, straightforward questions to help the user determine if the facility is subject to TRI reporting. TRI-ME has greatly reduced data quality errors and has therefore reduced the likelihood of a facility being in violation of the reporting requirements, or having to subsequently submit revisions. In the last five years TRI-ME usage has increased. Ninety-seven percent (66 percent CDX and 31 percent diskette) of submissions were received electronically for RY 2005.

Beginning in RY2007, the TRI Program will fully implement TRI-MEweb, an innovative online application with all the functionality of TRI-ME desktop plus major enhancements. This online tool will have significant new features to further help reduce reporting burden, improve data quality, and reduce errors.

5(c) Small Entity Flexibility

EPCRA §313 (b)(1)(A) provides that facilities with fewer than 10 full-time employees (or the equivalent) are not required to report. In addition, EPA has taken several steps to minimize the burden for covered small businesses. A range reporting option was added to the Final Rule (53 FR 4500, February 16, 1988) that codified the EPCRA §313 reporting requirements. Range reporting was the preferred option from the Regulatory Flexibility Act analysis to provide burden reduction for small businesses. Range reporting provides an option for releases of less than 1,000 pounds to be recorded as a code representing one of three ranges (1 to 10 pounds, 11 to 499 pounds, or 500 to 999 pounds) rather than as a specific estimate of the release amount. The benefit is not, however, limited to small businesses. Range reporting is not permitted on Form Rs for PBT chemicals.

In addition, in response to a petition from the Small Business Administration, EPA has promulgated the alternate threshold (59 FR 61488, November 30, 1994), manifested in Form A reporting, as discussed in Section 1(b). Although any reporting facility meeting the criteria may

use the alternate threshold, it is thought that this alternate threshold will be most advantageous to small entities. See the Form A ICR Supporting Statement for more details.

5(d) Collection Schedule

Facilities must report their information on a calendar-year basis, and submit Form Rs or Form As to EPA by July 1 each year. On average, EPA has released the national TRI data set to the public approximately 10 months after the annual reporting deadline. In response to public requests to shorten the time frame for release of TRI information, EPA is encouraging facilities to submit revised reports sooner, and streamlining data quality operations. The Agency expects these measures will help it to meet the ultimate goal of releasing data in the year of submission. Also, it is important to note that EPA's national database is just one avenue of access to the TRI information. Each state also makes its data available to the public, and most states are able to make their data available prior to EPA's release of the national data. For example, nearly half of the states release their TRI data within four months of the TRI reporting deadline.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

This information collection activity imposes burden and cost on certain facilities affected by EPCRA §313 reporting requirements. It also imposes costs on EPA to process and make available the data collected and stored in the Toxics Release Inventory. The following sections present the derivation of Form R respondent burden and cost as well as Agency burden and cost. For TRI reporters, estimates of average Form R reporting burden per respondent are presented. These unit burden estimates are then combined with appropriate wage rates to develop unit costs. Total Form R respondent burden and costs are estimated by combining the universe of reporting forms and facilities with estimates of unit burden and cost. This universe of reporting forms and facilities is based on reporting in RY 2005, adjusted to account for the predicted impacts of the TRI Burden Reduction Rule and proposed changes.¹³ When estimating reporter burden, the submission medium is assumed to be 100 percent paper, reflecting the most conservative case. The combined total number of forms and facilities (i.e., respondents) is hereafter referred to as the ICR Universe. The Form R burden and cost associated with the new data elements and revised instructions are presented separately in alternate tables and then accounted for in the bottom-line burden and cost estimates.

OMB last approved this ICR on March 3, 2006, with an expiration date of January 31, 2008.¹⁴ The approved ICR reflected a reporting burden of 3,746,590 hours and \$170.5 million for Form R

¹³ The methodology used in this ICR to estimate the number of forms and facilities that would be affected by the TRI Burden Reduction Rule is the same as the methodology used in the Economic Analysis (EA) of the TRI Burden Reduction Rule. Due to the difference in reporting years used in each analysis (RY 2004 in the EA and RY 2005 in the ICR), however, the estimated number of forms and facilities affected by the TRI Burden Reduction Rule differs slightly between analyses.

¹⁴ For a complete chronology of Rule changes and ICR Renewals along with resultant impact on Form R reporting burden, see Table 18.

respondents.¹⁵ In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased, yielding a net burden decrease) with total responses, burden, and cost of Form R reporting projected at 66,751 responses, 3,215,715 hours and \$160.73 million. Further, the TRI Program is proposing to add data elements and revise instructions on both reporting forms. The added data elements and revised instructions are estimated to increase the total Form R respondent burden and cost for Form R reporting to 3,217,280 hours and \$160.79 million, respectively.

For Agency burden, estimates of fixed costs associated with rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses are presented. Variable costs, dependent on the number of Form Rs processed, are also calculated. In Agency burden estimates, the FY2005 distribution of submission media (paper, diskette, CDX online) is assumed to be the same over the course of the ICR period.

6(a) Estimating Respondent Burden

This section presents the burden of this information collection activity to Form R respondents in terms of the time required for facility personnel to perform the activities outlined in Section 3 of this document. These burden estimates are based on previous ICRs and economic analyses, respondent experience as reflected in comments to EPA and other parties, best professional judgment, and information acquired through site visits and telephone interviews.

The burden to respondents is estimated for Form R requirements (including compliance determination and supplier notification) and petitions. Average respondent burden estimates are developed and then multiplied by the number of facilities or reports (as appropriate) to estimate the total burden to respondents. Therefore, the resultant burden estimates used by EPA are national average values. As with any average, some facilities will be above the average, and others will be below it. Large, complex facilities may require more than the average time to comply. However, many other facilities subject to the rule are not large or complex. Overall, EPA considers these burden estimates reasonably representative of national averages.

One factor to note is that reporter burden has been impacted over time by technology advances. For example, in 2003, EPA implemented the TRI State Data Exchange Network, which enabled facilities in participating states to submit their data simultaneously via CDX to EPA and to their state government. This new reporting option allowed facilities to fulfill their legal obligation to

¹⁵ The previous ICR period was 2006-2007. By the end of 2006, the TRI Burden Reduction Rule was promulgated, and the inventory was recalculated at 3,344,292 hours (no cost reported) due to shifts from Form R to Form A reporting (decrease of Form R burden of 402,298 hours—see the Economic Analysis of the TRI Burden Reduction Rule, December 2006). Please note that the recalculation of burden was estimated by subtracting projected changes from the previous ICR inventory. This calculation differs from the approach taken in the current ICR Renewal's economic analyses. In the 2006 calculation, the base number of the previous inventory was derived under different conditions (RY 2002, 93,380 total forms) than the increments (RY2005, 89,312 total forms). In this ICR Renewal (and Form R/A Supporting Statements), RY 2005 data are used for baseline and increment estimates.

report to the federal and state entities through the sole submission of data to EPA via CDX. In addition, EPA has developed the interactive, intelligent, user-friendly TRI-ME software. This software asks the user simple, straightforward questions to help the user determine if the facility is subject to TRI reporting. TRI-ME has greatly reduced data quality errors and has therefore reduced the likelihood of a facility being in violation of the reporting requirements, or having to subsequently submit corrections. Additionally, EPA expects that TRI-ME has resulted in a burden reduction in the activities of Form R completion and recordkeeping/submission. As a conservative estimate of reporting burden, however, reporter burden savings associated with technology advances, including TRI-ME and concurrent federal and state reporting are not reflected in this ICR.

Form R Respondent Requirements

The activities associated with TRI reporting during the period of this ICR include the following:

- **Compliance Determination:** Facility staff must determine whether the facility meets the criteria for EPCRA §313 reporting. This activity includes the time required to become familiar with the definitions, exemptions, and threshold requirements under the TRI Program, to review the list of TRI chemicals, and to conduct preliminary threshold determinations to determine if the facility is required to report.
- **Rule Familiarization:** Staff of a facility that is reporting under EPCRA §313 for the first time must read the reporting package and become familiar with the reporting requirements. This includes the time needed to review instructions, and the time needed to train personnel to respond to a collection of information.
- **Calculations and Report Completion:** Facility staff must gather data and perform calculations to provide the information required on the form. This activity includes the time required to search data sources and the time to complete and review the information.
- **Recordkeeping and Submission:** Facility staff must maintain recordkeeping systems and submit the report to EPA and the state in which the facility is located. This activity includes the time required to transmit or otherwise disclose the information.
- **Supplier Notification:** Certain suppliers of mixtures or trade name products containing reportable substances must annually notify their customers of the product's composition, if the customer is subject to EPCRA §313 reporting. This activity includes the time required to inform customers, either by letter or through the materials safety data sheet (MSDS) for the product.

Since the last Form R ICR, this ICR incorporates two substantive changes. First, due to the TRI Burden Reduction Rule promulgated December 22, 2006, the total number of Form Rs filed by facilities is expected to decrease. With expanded Form A eligibility, overall burden as well as

total Form R reporting burden is expected to decrease. The unit burdens (PBT and non-PBT) associated with filling out Form R, however, remain unchanged. The change in the number of Form Rs filed is discussed in Section 6(d). Second, EPA is proposing to add data elements and revise instructions for Form Rs and As that would improve the consistency and granularity of TRI data via details of standardized responses. The addition of data elements as well as the revision of certain instructions will slightly increase the unit burden associated with filling out Form R but will not affect the number of Form Rs submitted. Note that the tables below are often presented in (a) and (b) versions to reflect the base case (incorporating the TRI Burden Reduction Rule) and then the proposed changes.

The remainder of this section discusses the unit burden hour estimates for each specific industry activity. Activities are organized into two categories: those performed at the facility level and those that must be performed for each Form R submitted. The estimated hours required to complete each activity are summarized in Table 2a by labor category. The estimated hours required to respond to the new data elements and instructions are presented in Table 2b. Tables 3a and 3b present the annual estimated burden hours according to type of facility for facilities that submit three Form Rs each before and after the addition of the new data elements and instructions, respectively.¹⁶ These estimates represent the burden on a "typical" facility, although many facilities file fewer Form Rs, and some file more. The total annual burden to all facilities is discussed in Section 6(d). Note that the total annual burden estimate is based on unit reporting burdens multiplied by the total number of facilities or forms (as appropriate); it is not based on the "typical" facility burdens shown in Table 3a and 3b.

¹⁶ Approximately 71 percent of affected facilities filed three or fewer Form Rs in RY 2005. The most common number of reports filed is one. The average number of Form Rs filed by facility in RY2005 is 3.7. The average number of number of Form Rs filed by facility in the ICR Universe is 3.4.

Table 2a
Reporter Average Annual Burden Hour Estimate by Activity

Category	Activity	Management	Technical	Clerical	Total Hours
Facility Level	Compliance Determination - all facilities	1	3	0	4
	Rule Familiarization - first-time filers	12	22.5	0	34.5
	Supplier Notification	0	7	17	24
Per Form R	Calculations and Report Completion - first-time filers - PBTs	20.3	43.9	2.7	66.8
	Calculations and Report Completion - first-time filers - Non-PBTs	20.5	44.4	2.8	67.6
	Calculations and Report Completion - subsequent year filers - PBTs	14.1	30.4	1.9	46.3
	Calculations and Report Completion - subsequent year filers - Non-PBTs	7.5	16.1	1.0	24.6
	Recordkeeping/Submission - all filers	0	4	1	5

Table 2b
Incremental Annual Burden Increase by Activity
(Per Form R)

Activity	Management	Technical	Clerical	Total Minutes	Total Hours
Calculations and Report Completion - first-time filers - PBTs and Non-PBTs	0.2	0.6	1.1	1.9	0.03
<i>Enhance "basis of estimate" codes</i>	0.2	0.6	1.1	1.9	0.03
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	0.0	0.0	0.0	0.00
Calculations and Report Completion - subsequent year filers - PBTs and Non-PBTs	0.2	0.5	0.7	1.4	0.02
<i>Enhance "basis of estimate" codes</i>	0.2	0.5	0.7	1.4	0.02
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.0	0.0	0.0	0.0	0.00
Note: The derivation of reporting burden estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.					

Table 3a
Reporter Typical Annual Burden Hour Estimate
per Facility in Each Subsequent Year

Type of Facility	Average Annual Hours Burden			
	Management	Technical	Clerical	Total Hours
Compliance Determination Only	1	3	0	4
Compliance Determination and 3 PBT Form Rs	43.3	106.1	8.6	157.9
Compliance Determination and 3 Non-PBT Form Rs	23.6	63.2	6.1	92.9
Compliance Determination, 3 PBT Form Rs, and Supplier Notification	43.3	113.1	25.6	181.9
Compliance Determination, 3 Non-PBT Form Rs, and Supplier Notification	23.6	70.2	23.1	116.9
Note: Components do not add across due to rounding for display purposes.				

Table 3b
Reporter Typical Annual Burden Hour Estimate
per Facility in Each Subsequent Year,
Including New Data Elements

Type of Facility	Average Annual Hours Burden			
	Management	Technical	Clerical	Total Hours
Compliance Determination Only	1.0	3.0	0.0	4.0
Compliance Determination and 3 PBT Form Rs	43.3	106.1	8.6	158.0
Compliance Determination and 3 Non-PBT Form Rs	23.6	63.2	6.1	93.0
Compliance Determination, 3 PBT Form Rs, and Supplier Notification	43.3	113.1	25.6	182.0
Compliance Determination, 3 Non-PBT Form Rs, and Supplier Notification	23.6	70.2	23.1	117.0
Notes:				
1) The derivation of reporting burden estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.				
2) Components do not add across due to rounding for display purposes.				

Activities Performed at the Facility Level

Compliance Determination - A facility must report under EPCRA §313 if it: (1) is within a NAICS code or industry group corresponding to the statutory requirement covered by the TRI Program; (2) has 10 or more full-time equivalent (FTE) employees; and (3) manufactures, processes, or otherwise uses any of the listed chemicals above the threshold quantities. All facilities must determine if they meet these criteria. Most facilities incur little burden to make determinations regarding the first two criteria. Many facilities require time for the management and technical staff to determine the types of chemicals used at the facility and whether these chemicals are manufactured, processed, or otherwise used above threshold levels, in order to make the determination under the third criterion.

To make the determination, a facility will typically (1) review whether it manufactures, processes, or otherwise uses any of the chemicals in any quantity, and then (2) determine whether it exceeds a threshold quantity. In many cases, particularly at facilities that do not manufacture, process or otherwise use any listed chemicals, the first activity should be completed relatively quickly. The second activity may involve a more detailed set of calculations.

The average burden for compliance determination is estimated to be 4 hours per facility per year. This reflects the overall average time requirements of facilities ranging from those that do

not have listed chemicals on-site, to those that have very large or small quantities of listed chemicals (i.e., are significantly above or below the thresholds and thus do not require a significant amount of time to make the determination) or have not had significant changes from the prior year, to facilities that have more complex and time-consuming compliance determination requirements.

Rule Familiarization - If a facility will be reporting under the EPCRA §313 requirements for the first time, facility staff must review and comprehend the reporting requirements, as well as EPA procedures for submitting, revising, and withdrawing forms. At a minimum, this effort will involve reading the instructions to the Toxics Chemical Release Inventory Reporting Form R. The effort may also involve consulting EPA guidance documents, attending a training course, and/or calling the EPCRA technical hotline. The cost associated with rule familiarization occurs only in the first year that a facility becomes subject to reporting. In subsequent years, staff are assumed to be familiar with the requirements that apply to their facility. Thus, the facility would no longer bear this cost. Similarly, facilities that already report one or more existing TRI chemicals will not incur a rule familiarization cost for each additional chemical.

It is estimated that facilities reporting under EPCRA §313 for the first time will need to make a one-time expenditure of 34.5 hours for rule familiarization. This burden estimate is comprised of 12 hours of management time and 22.5 hours of technical time.

Supplier Notification - Certain suppliers of mixtures or trade name products containing reportable substances must annually notify their customers of the product's composition if the customer is subject to EPCRA §313 reporting or sells the product to another company that is subject to reporting. Facilities may be subject to the supplier notification requirements even if they are not covered by the EPCRA §313 reporting requirements. For example, a facility with less than 10 FTEs or that does not meet reporting thresholds may still be required to notify certain customers. Supplier notification is required so that customers can make threshold determinations and complete reports for their own facilities. A letter identifying the chemical by name and CAS number and indicating its percentage by weight in the formulation can provide the notification. Notification can also be provided on the MSDS for the product. On average, approximately 24 hours per TRI reporting facility are estimated for compliance with this requirement.

Activities Specific to Completing Form R

Calculations and Report Completion (Existing Data Elements) - Facilities that determine they must report under EPCRA §313 will incur additional burden to retrieve, process, review, and transcribe information to complete each report. Most of the time required for form completion is for calculating releases, transfers, and other waste management practices; relatively little time is required to copy information to the form. The facility must complete one Form R for each listed chemical it is reporting to TRI.

The burden is estimated to average 46.34 hours per PBT Form R and 24.66 hours per Non-PBT Form R for ongoing, annual reporting.¹⁷ To complete Form R, facilities will need to verify and update data, review previous calculations, and modify the information reported on the previous year's Form R. For a facility completing three forms in subsequent years, this results in an average estimated burden of 158.0 hours per PBT Form R and 93.0 hours per Non-PBT Form R. The estimate for first-year calculations and report completion is 66.86 hours per Form R for a PBT chemical and 67.66 hours per Form R for a Non-PBT chemical (all estimates include proposed changes).

Calculations and Report Completion (New Data Elements and Revised Instructions) - the new data elements and revised instructions proposed by EPA will add minimal burden to the form as follows:

- *More specific “basis of estimate” codes* – Facilities are currently required to enter a basis of estimate code for each release and otherwise managed waste estimate (Sections 5 and 6). Facilities will now have a total of six basis of estimate codes from which to select. Two of the current codes will remain: Mass Balance (C) and Other (O). (M1) and (M2) will be added, for continuous and periodic/random monitoring, respectively; (E1) and (E2) will be added for published and site-specific emission factors, respectively. In the first year, it is estimated that 0.2 minutes of management time, 0.6 minutes of technical time, and 1.1 minutes of clerical time will be required to review and record the appropriate basis of estimate code. In subsequent years, it is estimated that 0.2 minutes of management time, 0.5 minutes of technical time, and 0.7 minutes of clerical time will be required to review and record the appropriate basis of estimate code
- *Code boxes indicating that the form is a revision or withdrawal as well as the reason for revision or withdrawal.* For a revision or withdrawal, the facility will indicate with up to two codes the reason(s) for revision or withdrawal in the code box. Given that revision and withdrawal procedures are considered to be part of Rule Familiarization, these procedural changes, which apply to a subset of the ICR Universe, are negligible and assumed to be zero.

Recordkeeping and Submission - After a facility has completed the form, it incurs additional burden for recordkeeping and submission associated with filing a Form R report. Recordkeeping allows a facility to use the information in making calculations in subsequent years and as documentation in the event it receives a compliance audit. Facilities must maintain records used to provide the information required on Form R; those records may include estimation methodology and calculations; engineering reports; inventory, incident, and operating logs; and other supporting materials. Recordkeeping and submission are estimated to require an average of 5 hours per Form R, or 15 hours for a facility filing three Form Rs.

¹⁷ This estimate is based on the most recent inventory approved by OMB on March 3, 2006, which includes a downward adjustment of approximately 2 percent to reflect burden savings associated with the TRI Reporting Forms Modification Rule.

Average Burden per Respondent

The estimated burden per respondent depends on the type of respondent and the number of reports submitted. For example, the burden for facilities that only perform compliance determination is estimated to average 4 hours per facility. For facilities required to file three Form Rs, but not required to comply with supplier notification, the burden is estimated to be 158.0 hours if all three reports are for PBT chemicals and 93.0 hours if all three reports are for Non-PBT chemicals. For facilities submitting three Form Rs that are also required to comply with supplier notification, the average burden is estimated at 182.0 hours and 117.0 hours per facility for PBT chemicals and Non-PBT chemicals, respectively (all estimates include proposed changes).

Petitions

The activities required to prepare and file a petition are listed below. Included is a discussion of the burden associated with each activity. The time needed to complete these activities is presented in Table 4. The total annual burden for all petitions is estimated in Section 6(d).

Table 4
Reporter Average Burden Hour Estimate per Petition

Activity	Average Annual Hours Burden			Total Hours Burden
	Management	Technical	Clerical	
1. Read EPA Policy and Guidance	4	0	0	4
2. Plan Activities	2	1	0	3
3. Prepare Literature Search	2	7	0	9
4. Conduct Literature Search	0	48	0	48
5. Process, Review, and Focus Information	12	74	0	86
6. Write Petition	4	8	6	18
7. Review and Edit Petition	4	8	2	14
8. Submit to EPA and File	0	0	3	3
Total Hours per Petition	28	146	11	185

These estimates assume prior knowledge by the respondent of the issues prompting the listing of specific chemicals. An additional assumption was made that the petitioners had no in-house library facilities and, consequently, that they would have to use a university library or similar facility. Based upon the experience of the previous reporting years, fewer than five petitions per year are expected. Following are descriptions of the specific activities associated with preparing and filing a petition for chemical listing or de-listing.

Read EPA policy and guidance documents and consult with EPA. The reading and interpretation of EPA policy and guidance notice is conducted by management and involves four hours per petition.

Plan activities. Management and technical personnel conduct the planning activities jointly. Three hours per petition are required to complete these activities.

Prepare literature search. Both management and technical personnel, involving about nine hours, conduct this activity.

Conduct literature search. Technical personnel conduct this activity, which requires about 48 hours per petition.

Process, review, and focus information. Both technical and management personnel, involving a total of 86 hours per petition, complete this activity.

Write petition. A combination of technical, management, and clerical personnel complete this activity. About 18 hours are required per petition to complete the writing.

Review and edit petition. A combination of management, technical, and clerical personnel are involved in this activity, requiring a total of 14 hours per petition.

Submit petition to EPA and file. The clerical personnel, requiring approximately three hours per petition, perform this activity.

Total respondent burden. The total burden of submitting a petition is estimated to average 185 hours.

6(b) Estimating Respondent Costs

The cost to respondents is based on the time needed to complete the activities listed in Section 6(a) and the hourly cost of labor at appropriate levels (loaded labor rates). There are no specific capital and operation and maintenance costs associated directly with this information collection activity. There may be some small additional costs for mailing and supplies. Total annual costs for all facilities are discussed in Section 6(d).

(i) Estimating Labor Costs

Form R Requirements

To determine the per-facility costs for typical respondents, the unit burden hour estimates for compliance activities are multiplied by fully loaded hourly rates for the appropriate categories of

labor conducting these activities.¹⁸ Loaded hourly rates are the product of wages, benefits, and overhead. Hourly wage rates are divided into three categories: managerial, technical, and clerical. Average wage and salary data for these categories are obtained from the Employer Costs for Employee Compensation (ECEC) report from the Bureau of Labor Statistics (BLS) for all goods-producing, private industries. The additional cost of benefits, such as paid leave and insurance, is also derived from information provided in the ECEC report. Loading factors for benefits are calculated separately for managerial, technical, and clerical labor by dividing the benefits percentage of total compensation by the wage percentage of total compensation. Based on information provided by the chemical industry and chemical industry trade associations, an additional loading factor of 17 percent is applied for general overhead. This loading factor is added to the benefits loading factor, then applied to the base wage. The new wage rates are calculated using current data on salaries and benefits for these three labor categories. The fully loaded 2006 hourly wage rates are shown in Table 5.

Table 5
Loaded Hourly Wage Rates by Labor Category
2006

Labor Category	Average Hourly Wage	Benefits (% wages)	Overhead (% wages)	Loaded Hourly Rate
Managerial	\$35.54	43.88%	17%	\$57.18
Technical	\$31.51	40.85%	17%	\$49.74
Clerical	\$15.39	44.51%	17%	\$24.86

Average respondent costs are summarized by activity in Table 6a for the current Form R and in Table 6b for the new data elements and instructions only. Average costs per facility are summarized before and after the addition of the new data elements and instructions, respectively, in Tables 7a and 7b. The average cost per facility for those completing only compliance determination is \$206. Based on the burden hour estimates in Tables 3a and 3b and the loaded hourly rates in Table 5, the average subsequent year cost for a facility performing compliance determination and submitting three PBT forms is \$7,968. The average subsequent year cost for a facility performing compliance determination and submitting three Non-PBT forms is \$4,649. For facilities that must also comply with supplier notification, the average subsequent year cost increases to \$8,739 for PBT reports and \$5,420 for Non-PBT reports (all estimates include proposed changes).

¹⁸ Employer Costs for Employee Compensation, Private industry workers, Goods-producing industries, white-collar occupations, as published by the U.S. Department of Labor, Bureau of Labor Statistics. Table 11 of the *Employer Costs for Employee Compensation Summary*, September 2006.

Table 6a
Reporter Average Annual Cost Estimate by Activity

Category	Activity	Management	Technical	Clerical	Total Cost
Facility Level	Compliance Determination - all facilities	\$57	\$149	\$0	\$206
	Rule Familiarization - first-time filers	\$686	\$1,119	\$0	\$1,805
	Supplier Notification	\$0	\$348	\$423	\$771
Per Form R	Calculations and Report Completion - first-time filers – PBTs	\$1,160	\$2,182	\$67	\$3,409
	Calculations and Report Completion - first-time filers - Non-PBTs	\$1,172	\$2,206	\$69	\$3,447
	Calculations and Report Completion – subsequent year filers – PBTs	\$806	\$1,510	\$46	\$2,362
	Calculations and Report Completion – subsequent year filers - Non-PBTs	\$432	\$799	\$25	\$1,256
	Recordkeeping/Submission - all filers	\$0	\$199	\$25	\$224

Table 6b
Reporter Average Incremental Annual Cost Increase by Activity
Per Form R

Activity	Management	Technical	Clerical	Total Cost
Calculations and Report Completion - first-time filers - PBTs and Non-PBTs	\$0.18	\$0.46	\$0.47	\$1.12
<i>Enhance “basis of estimate” codes</i>	\$0.18	\$0.46	\$0.47	\$1.12
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	\$0.00	\$0.00	\$0.00
Calculations and Report Completion - subsequent year filers - PBTs and Non-PBTs	\$0.16	\$0.43	\$0.29	\$0.89
<i>Enhance “basis of estimate” codes</i>	\$0.16	\$0.43	\$0.29	\$0.89
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	\$0.00	\$0.00	\$0.00

Table 7a
Typical Reporter Average Annual Cost Estimate per Facility in Each Subsequent Year

Type of Facility	Management	Technical	Clerical	Total Cost
Compliance Determination Only	\$57	\$149	\$0	\$206
Compliance Determination and 3 Form Rs – PBTs	\$2,476	\$5,277	\$213	\$7,966
Compliance Determination and 3 Form Rs - Non-PBTs	\$1,352	\$3,144	\$151	\$4,647
Compliance Determination, 3 Form Rs, and Supplier Notification – PBTs	\$2,476	\$5,625	\$635	\$8,736
Compliance Determination, 3 Form Rs, and Supplier Notification - Non-PBTs	\$1,352	\$3,493	\$573	\$5,418

Table 7b
Typical Reporter Average Annual Cost Estimate per Facility in Each Subsequent Year, Including New Data Elements

Type of Facility	Management	Technical	Clerical	Total Cost
Compliance Determination Only	\$57	\$149	\$0	\$206
Compliance Determination and 3 Form Rs - PBTs	\$2,476	\$5,279	\$214	\$7,968
Compliance Determination and 3 Form Rs - Non-PBTs	\$1,352	\$3,146	\$151	\$4,649
Compliance Determination, 3 Form Rs and Supplier Notification - PBTs	\$2,476	\$5,627	\$636	\$8,739
Compliance Determination, 3 Form Rs and Supplier Notification - Non-PBTs	\$1,352	\$3,494	\$574	\$5,420

Petitions

The primary cost to respondents for developing and submitting petitions under EPCRA §313 (e) will be the labor costs associated with the activities outlined in Section 6(a) of this document. These costs are the product of the labor hours expended to prepare the average petition, the wage rates for the employees involved in preparing the petitions, and the average number of petitions submitted annually. Based on the burden hour estimates in Table 4 and the loaded hourly rates in Table 5, the cost estimate for the preparation of a petition is presented in Table 8.

Table 8
Reporter Average Cost per Petition

Activity	Management	Technical	Clerical	Total Cost
1. Read EPA Policy and Guidance	\$229	\$0	\$0	\$229
2. Plan Activities	\$114	\$50	\$0	\$164
3. Prepare Literature Search	\$114	\$348	\$0	\$463
4. Conduct Literature Search	\$0	\$2,388	\$0	\$2,388
5. Process, Review, and Focus Information	\$686	\$3,681	\$0	\$4,367
6. Write Petition	\$229	\$398	\$149	\$776
7. Review and Edit Petition	\$229	\$398	\$50	\$676
8. Submit to EPA and File	\$0	\$0	\$75	\$75
Total Cost per Petition	\$1,601	\$7,263	\$274	\$9,138

Based upon prior years of implementation of EPCRA §313, it is assumed that fewer than five petitions will continue to be submitted annually (in recent years, only one or two petitions have been submitted each year). The total average unit cost to prepare a petition is estimated to be \$9,138.

6(c) Estimating Agency Burden and Cost

This section estimates the burden and costs to EPA to process Form R reports based on information characterizing the resources used in previous years. EPA incurs burden and costs for five categories of activities: data processing, outreach and training, information dissemination, policy and petitions, and compliance and enforcement. These activities are described in detail in Table 9.

Table 9
EPA Activities for TRI Reporting Forms

Category	Description
Data Processing	<p>Data entry – entering the information into the database, microfilming or microfiching the reports, and filing all reports;</p> <p>Data quality – reviewing reports for completeness, errors, and inconsistencies; making inquiries to resolve discrepancies; and reentering corrected data;</p> <p>Magnetic media support – distributing the computer program for electronic submissions; creating and updating intelligent reporting software;</p> <p>Programming and operating the EPA mainframe and local area network;</p> <p>Data analysis – developing tools to use TRI data, analyzing data to support EPA needs, and preparing data for use by others; and</p> <p>EPCRA Reporting Center fixed costs – rent and form storage.</p>
Outreach and Training	<p>Providing EPCRA technical hotline, technical guidance, industry outreach, and regional, state, and public training; and</p> <p>Responding to requests for information through TRI User Support.</p>
Information Dissemination	Public Data Release, Internet, data access tools.
Policy and Petitions	Analysis to support petitions, list revisions, trade secret claims, and rulemakings.
Compliance and Enforcement	Technical assistance, compliance outreach, facility inspections, issuance of cases, and creation of Supplemental Environmental Projects (SEPs).

The estimate of EPA burden and costs is separated into a fixed component and a variable component; EPA staff commitments (as measured by FTEs) are reported in total. Activities and expenses that are not greatly affected by marginal changes in report quantities are reported as fixed costs. These activities and expenses include rent for the EPCRA Reporting Center, development costs for data access tools, compliance assistance measures, and other activities and expenses listed above. The variable component is the amount that varies depending on the number of forms. The variable unit costs are estimated as total data processing costs divided by the total number of reports processed in RY 2005. Table 10 details the costs associated with the activities of Table 9 in total and for each Form R and Form A.

Table 10
Agency Burden and Cost*

Category	Annual Cost (million)	Form R (million)	Form A (million)
Data Processing (Fixed Cost)	\$ 4.25	\$ 3.70	\$ 0.55
Forms Processing (Variable Cost)	\$ 0.45	\$ 0.39	\$ 0.06
Outreach and Training	\$ 1.10	\$ 0.96	\$ 0.14
Information Dissemination	\$ 0.81	\$ 0.70	\$ 0.11
Policy and Petitions	\$ 1.08	\$ 0.94	\$ 0.14
Compliance and Enforcement	\$ 0.37	\$ 0.32	\$ 0.05
Totals	\$ 8.06	\$ 7.01	\$ 1.05
<p>*This estimate includes all Agency activities related to all TRI work, reflecting a 50 FTE effort with 13 FTEs from Regional office support. The portion of FTEs attributed to Form R activities is approximately 87% of the total, or 44 FTEs.</p> <p>Note that total costs are allocated to Form Rs and As in same proportion as the number of Form Rs and Form As in the ICR Universe (66,751 Form Rs; 10,255 Form As). See the explanation of these counts in Section 6(d).</p>			

Table 11 summarizes the fixed and variable costs associated with reporting under the EPCRA §313 requirements by form type and by submission media.

Table 11
Agency Data Processing Costs

	Form R			Form A		
	Paper	CDX	Diskette	Paper	CDX	Diskette
Variable Cost Per Form	\$24.79	\$6.26	\$3.01	\$18.42	\$6.26	\$3.01
Fixed Costs	\$3.7 million			\$.55 million		
Average Cost per Form	\$61.25			\$59.63		

As discussed in the following section, approximately 67,000 Form R reports are expected to be filed per year (following the implementation of the TRI Burden Reduction Rule). Thus, the total annual burden to EPA associated with Form Rs is estimated to be \$6.62 million in fixed costs, \$.39 million in variable costs, and 44 FTEs (or 91,520 hours at \$5.1 million in loaded labor costs). These costs reflect the burden to conduct the EPA activities described above plus an additional (variable) cost for each form processed depending on the submission media. The analysis assumes that, on average, the fixed FTE requirement is met by EPA employees at the

general pay scale for grade GS-12, step 8 (at a loaded salary of \$115,289) using a loading factor of 1.4 that includes wages and benefits but not overhead, which is included in the fixed costs portion of the Agency burden estimate.

6(d) Estimating the Respondent Universe and Total Burden and Costs

Estimated Total Annual Burden for All Respondents

This section presents the total annual burden hours for all respondents, both those complying with EPCRA §313 and those submitting petitions. The total burden hours for all respondents to comply with EPCRA §313 are estimated by multiplying the unit burden estimate for each compliance activity by the relevant units: facilities or reports. As a result of the TRI Burden Reduction Rule, facilities reporting on chemicals that were previously ineligible for Form A (PBTs or above the non-PBT eligibility threshold) may now be able to file a Form A instead of a Form R for one or more of their chemicals. Table 12 shows the assumed universe of TRI facilities and forms for both the Form R and Form A ICRs and the effect of changes in Form A eligibility. This universe is based on reporting in RY 2005, adjusted to account for the impact that the TRI Burden Reduction Rule is expected to have on Form R reporting.

It is estimated that approximately 11,780 Form Rs will be replaced by Form As, assuming all who are eligible for the simplified Form A take advantage of it. Additionally, a very small number of Form As—47—will no longer be eligible to be filed as a Form A and will be replaced by Form R(s) due to the new definition of the Annual Reportable Amount.¹⁹ These estimates (including newly eligible Form As) are strictly projections for what is expected in RY2007 given the anticipated effects of the TRI Burden Reduction Rule, and assuming reporter characteristics are roughly the same in RY2007 as they were in RY2005. See Table 12 for additional details.

¹⁹ Prior to the TRI Burden Reduction Rule, the Annual Reportable Amount was defined as the sum of quantities reported in Form R Sections 8.1-8.7; with implementation of the TRI Burden Reduction Rule, the Annual Reportable Amount was redefined to include the sum of quantities in Sections 8.1-8.8. Based on RY 2005 TRI data, it is estimated that 35 facilities currently filing Form As on 47 chemicals would lose Form A eligibility.

Table 12
ICR Universe of TRI Facilities and Forms

	Form R	Form A
	Number of Chemicals (Same as Number of Forms)	Number of Chemicals (Note: Average of 2.2 Chemicals per Form)
RY 2005 TRI Universe		
Number of Facilities	21,154	4,713
Number of PBT Chemicals	15,645	22 ¹
Number of Non-PBT Chemicals	62,891	10,754
Newly Eligible for Form A		
Number of Facilities		6,620
Number of PBT Chemicals		2,375
Number of Non-PBT Chemicals		9,457
Newly Ineligible for Form A		
Number of Facilities		35
Number of Non-PBT Chemicals		47
RY 2008 ICR Universe		
Number of Facilities	19,441	10,235
Number of PBT Chemicals	13,270	2,397
Number of Non-PBT Chemicals	53,481	20,164
RY 2008 ICR Universe of Forms		
Form R = 78,536-11,832 +47 = 66,751		
Form A ⁴ = [(10,776+11,832)/2.2]-[47/1.1]=10,235		
Notes:		
1. In RY 2005 the TRI Burden Reduction Rule was not in place (i.e., no eligibility for reporting PBTs on Form A), but Form As were incorrectly filed for 22 PBT chemicals.		
2. The number of facilities cannot simply be added or subtracted across columns or down rows due to the fact that any given facility may be filing both Form Rs and a Form A; also note that the categories of chemicals reported on each form are not mutually exclusive, with overlap of those switching (by chemical) from Form R to A and vice versa.		
3. These projections assume that the number of facilities filing Form A is an adequate proxy for the number of Form A Certifications.		
4. To count the number of Form As, the number of chemicals has to be divided by the number of chemicals per form. For the main group of Form R chemicals being moved to reports on Form A, the average count of chemicals per Form A is 2.2; for the small group of chemicals that are no longer eligible for Form A and moved to Form R, the average count of chemicals per form is 1.1.		

While the number of facilities estimated to perform compliance determination (201,785) each year remains the same, the number of facilities performing report completion and

recordkeeping activities is reduced to approximately 20,000 facilities for approximately 67,000 Form Rs.²⁰ As a result, 181,785 facilities are estimated to complete only the compliance determination procedure.²¹ An additional 20,000 facilities are expected to complete compliance determination, form completion, and recordkeeping, and of these, 3,734 facilities are expected to also conduct supplier notification. Of the 20,000 facilities that file Form Rs, it is expected that 535 facilities will be reporting to TRI for the first time as they exceed applicable thresholds, and that these facilities will file 912 of the Form Rs.²² Tables 13a and 13b present the total annual burden hours based on these estimates for the current Form R and for the new data elements and instructions, respectively.

Table 13a
Reporter Total Annual Burden Hour Estimate for Form R

Activity	Hours Per Form/ Per Facility	Number of Facilities	Number of Reports	Total Burden
Compliance Determination - all facilities subject to EPCRA §313	4	201,785	N/A	807,140
Rule Familiarization - first-time filers only	34.5	535	N/A	18,458
Form R Completion - reports from first-time filers - PBTs	66.8	N/A	250	16,706
Form R Completion - reports from first-time filers - Non-PBTs	67.6	N/A	662	44,773
Form R Completion - reports from subsequent year filers - PBTs	46.3	N/A	13,020	603,025
Form R Completion - reports from subsequent year filers - Non-PBTs	24.6	N/A	52,819	1,301,319
Recordkeeping/Submission - all reports	5	N/A	66,751	333,753
Supplier Notification	24	3,734	N/A	89,616
Total				3,214,790

²⁰ The Bureau of Census's *County Business Patterns - 1997* indicates that there are 191,745 facilities with 10 or more employees in manufacturing sectors. There are an additional 10,040 facilities in the seven non-manufacturing industries that are estimated to perform compliance determination, for a total of 201,785 facilities performing compliance determination. The number of facilities and forms in the ICR Universe has been rounded up to the nearest thousand for this ICR. For more information on the derivation of the number of facilities and forms newly eligible (and ineligible) for Form A, see the Economic Analysis of the TRI Burden Reduction Rule, September 2006.

²¹ Note, however, that some of these facilities may file a Form A.

²² Based on first-time reporting in RY 2005, adjusted for first-time Form R filers for which all of their Form Rs are newly eligible for Form A.

Table 13b
Reporter Incremental Annual Burden Hour Increase
for Form R

Activity	Hours Per Form/ Per Facility	Number of Reports	Total Burden
Form R Completion - reports from first-time filers - PBT and Non-PBT			
<i>Enhance "basis of estimate" codes</i>	0.032	912	28.7
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.000	912	0.0
Form R Completion - reports from subsequent year filers - PBT and Non-PBT			
<i>Enhance "basis of estimate" codes</i>	0.023	65,839	1,536.2
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	0.000	65,839	0
Total			1,565.0
Notes:			
1) The derivation of reporting burden estimates associated with the new data elements and revised reporting instructions follows the methodology used in the Economic Analysis for the TRI Reporting Forms Modification Rule, July 2005.			
2) The total burden column does not sum due to rounding.			

The annual hours burden for all petitions is calculated by multiplying the per-petition burden estimate for each activity by the expected number of petitions per year. A total of five petitions are estimated to be filed annually. Table 14 presents the total annual hours burden for all petitions. The total annual hours burden for all petitions submitted is expected to be 925 hours.

Table 14
Reporter Total Annual Burden Hour Estimate for All Petitions (5 petitions per year)

Activity	Annual Hours Burden			
	Management	Technical	Clerical	Total Hours
1. Read EPA Policy and Guidance	20	0	0	20
2. Plan Activities	10	5	0	15
3. Prepare Literature Search	10	35	0	45
4. Conduct Literature Search	0	240	0	240
5. Process, Review, and Focus Information	60	370	0	430
6. Write Petition	20	40	30	90
7. Review and Edit Petition	20	40	10	70
8. Submit to EPA and File	0	0	15	15
Total Annual Hours Burden	140	730	55	925

Estimated Total Annual Cost for All Respondents

The total annual reporting cost for all respondent facilities is determined by multiplying the unit cost estimates by the relevant units (facilities or reports) for each compliance activity. Tables 15a and 15b present the total annual reporting cost for the current Form R and for the new data elements and instructions, respectively.

Table 15a
Reporter Total Annual Cost Estimate for Form R
(2006 dollars)

Activity	Cost	Number of Facilities	Number of Reports	Total Cost
Compliance Determination - all facilities subject to EPCRA §313	\$206.40	201,785	N/A	\$41,648,424
Rule Familiarization - first-time filers	\$1,805.31	535	N/A	\$965,841
Form R Completion - reports from first-time filers - PBTs	\$3,408.02	N/A	250	\$852,005
Form R Completion - reports from first-time filers - Non-PBTs	\$3,447.41	N/A	662	\$2,282,189
Form R Completion - reports from subsequent year filers - PBTs	\$2,362.55	N/A	13,020	\$30,760,430
Form R Completion - reports from subsequent year filers - Non-PBTs	\$1,256.28	N/A	52,819	\$66,355,021
Recordkeeping/Submission - all reports	\$223.82	N/A	66,751	\$14,940,112
Supplier Notification	\$770.80	3,734	N/A	\$2,878,167
Annual Total				\$160,682,189

Table 15b
Reporter Incremental Annual Cost Increase for Form R
(2006 dollars)

Activity	Incremental Cost	Number of Reports	Total Burden
Form R Completion - reports from first-time filers - PBT and Non-PBT			
<i>Enhance "basis of estimate" codes</i>	\$1.12	912	\$1,019
<i>Include check boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	912	\$0
Form R Completion - reports from subsequent year filers - PBT and Non-PBT			
<i>Enhance "basis of estimate" codes</i>	\$0.89	65,839	\$58,416
<i>Include code boxes on form to indicate reason(s) for revision or withdrawal, if a form is being resubmitted</i>	\$0.00	65,839	\$0
Total			\$59,436

The annual cost for all petitions is calculated by multiplying the per-petition cost for each activity by the expected number of petitions per year. A total of five petitions are assumed to be filed annually. The total annual cost for all petitions submitted is shown in Table 16.

Table 16
Reporter Total Annual Cost Estimate for All Petitions
(2006 dollars)

Activity	Management	Technical	Clerical	Total Cost
1. Read EPA Policy and Guidance	\$1,144	\$0	\$0	\$1,144
2. Plan Activities	\$572	\$249	\$0	\$821
3. Prepare Literature Search	\$572	\$1,741	\$0	\$2,313
4. Conduct Literature Search	\$0	\$11,938	\$0	\$11,938
5. Process, Review, and Focus Information	\$3,431	\$18,404	\$0	\$21,835
6. Write Petition	\$1,144	\$1,990	\$746	\$3,879
7. Review and Edit Petition	\$1,144	\$1,990	\$249	\$3,382
8. Submit to EPA and File	\$0	\$0	\$373	\$373
Total Cost per Petition	\$8,005	\$36,310	\$1,367	\$45,685

6(e) Bottom-Line Burden Hours and Cost Tables

This section presents the total burden and cost to the regulated industry to comply with the information collection requirements under EPCRA §313 and under PPA §6607, as well as the cost to EPA to process Form Rs annually.

(i) Respondent Tally

The previous tables have detailed the total burden and cost for complying with EPCRA §313 and for submitting a petition independently. Table 17 presents the total burden and cost for both activities.

Table 17
Total Annual Respondent Burden and Cost

Activity	Number of Respondents	Number of Responses	Annual Burden Hours	Annual Costs (millions of 2006 dollars)
Current Form Rs ¹	19,441	66,751	3,214,790	\$160.68
Petitions ²	n/a	n/a	925	\$0.05
Subtotal	19,441		3,215,715	\$160.73
New Data Elements and Instructions ³	19,441	66,751	1,565	\$0.06
Grand Total			3,217,280	\$160.79
Notes: 1. The estimate for Current Form R burden includes burden for compliance determination for 201,785 respondents (facilities). Out of this group, 19,441 respondents (facilities) go beyond this step and complete the steps to submit Form R reports to TRI. 2. The estimate for Petitions burden assumes that 5 petitions per year are submitted with no assertions about the number of petitions per respondent (facility). 3. The basis for these estimates is derived from RY2005 TRI reporting. 4. In comparison to the last ICR and last OMB Action, the estimates in this table reflect a net baseline shift of -3,388 responses, and -128,577 hours.				

(ii) The Agency Tally

The total annual burden to EPA associated with Form Rs is estimated to be \$6.62 million in fixed costs, \$.39 million in variable costs, and 44 FTEs (or 91,520 hours at \$5.1 million in loaded labor costs). These costs reflect the burden to conduct the EPA activities described above plus an additional (variable) cost for each form processed depending on the submission media.

(iii) Variations in the Annual Bottom Line

Significant variation in the annual respondent reporting/recordkeeping burden and cost is not expected over the course of the clearance period.

6(f) Reasons for Change in Burden

As a result of OMB's March 3, 2006 approval of the last ICR Renewal (for 2006-2007), OMB's inventory reflected 82,000 responses, 3,746,590 hours, and \$170.5 million for this information collection. By the end of 2006, the TRI Burden Reduction Rule was promulgated and the

inventory was recalculated at 66,900 responses 3,241,473 hours (no cost reported) due to shifts from Form R to Form A.²³

In this ICR Renewal, the effect of the TRI Burden Reduction Rule is expected to sustain the reduced overall burden due to increased Form A eligibility (i.e., number of Form Rs decreased and number of Form As increased) with total responses, burden, and cost of Form R reporting projected at 66,751 responses, 3,215,715 hours, and \$160.73 million. Further, the TRI Program is proposing to add data elements and revise instructions on both reporting forms. The added data elements and revised instructions are estimated to increase the total respondent burden and cost for Form R reporting to 3,217,280 hours and \$160.79 million.

Since the last ICR, the reduction in the estimate of total burden of approximately 529,000 hours is due to (1) the filing of approximately 3,000 fewer forms in RY 2005 than in RY 2002 (the ICR Universe assumed in the last ICR Renewal) and (2) the fact that the Non-PBT chemical eligibility for Form A has been expanded and, for the first time, limited use of Form A will be allowed for PBT chemicals (estimate includes proposed changes). The addition of one data element and one change to the reporting instructions is expected to result in a minor increase in reporting burden of 1,565 hours. Refer to Figure 1 and Table 18 for extended background information on the chronology of both TRI rulemaking and ICR Renewal.

²³ Originally recalculated and reported on the OMB Action at 70,139 responses and 3,344,292 hours; estimates in text are corrected to incorporate a baseline shift. The revised numbers for this last OMB Action in text (and in Table 18) are based on a consistent base and increment (RY2004), as are the final estimates for this ICR Universe in Tables 17 and 18 (RY2005). By comparison, the previous recalculation was estimated by subtracting projected changes (derived from RY2004 with approximately 89,645 total forms A and R) from the previous ICR inventory (based on RY2002 with 93,380 total forms A and R), without accounting for baseline shifts related to decreases in Form R reporting overall since RY2002.

Figure 1
TRI Rulemaking and ICR Chronology

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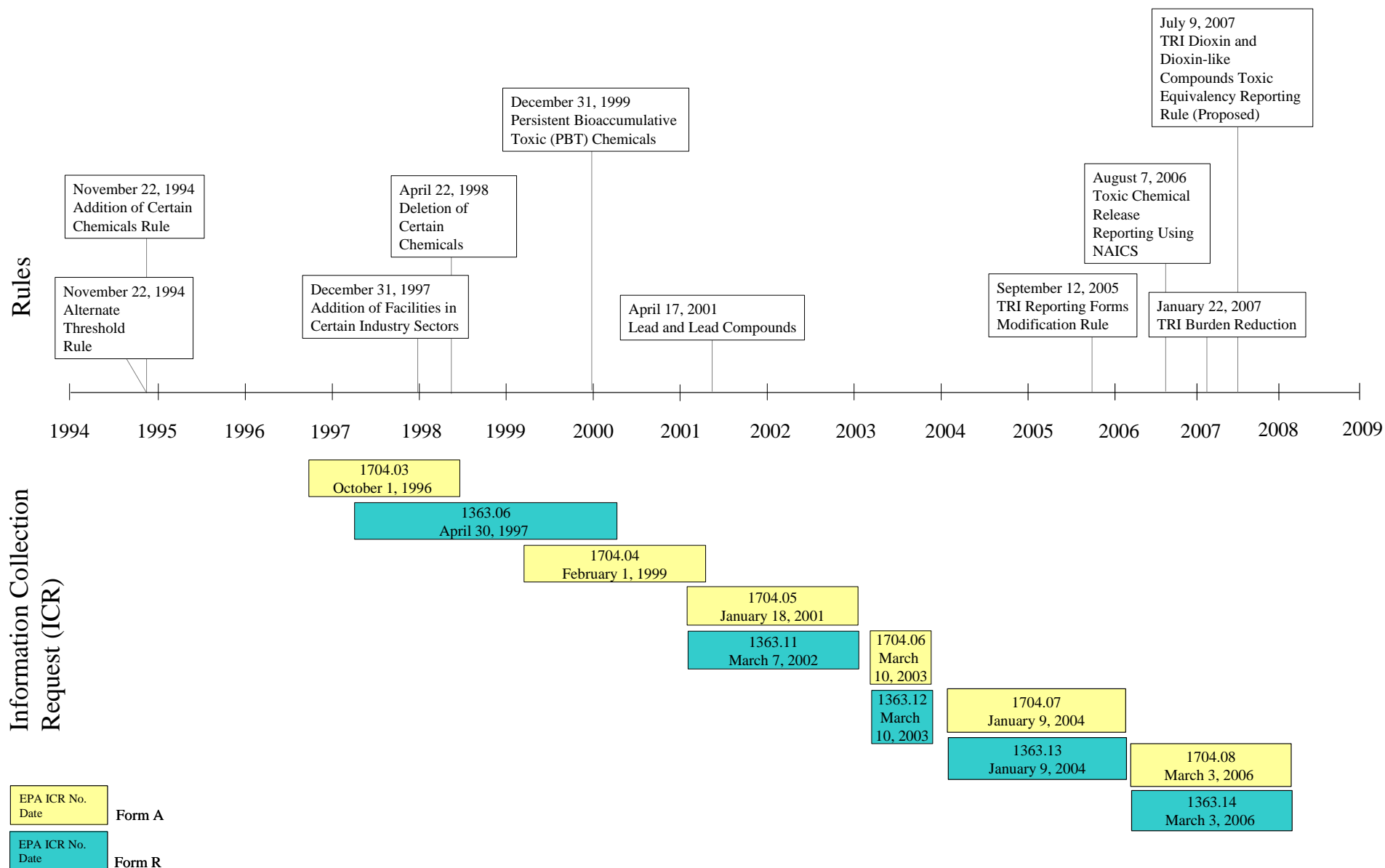


Table 18
Recent Changes in TRI Form R Burden

Activity – Explanation	TRI Form R ICR (EPA # 1363, OMB #2070-0093)			
	Change		Total	
	# Responses	Burden Hours	Total Responses	Total Burden Hours
1997 Baseline	—	—	90,362	5,538,727
RY 1997 Program Change - Industry Expansion Rule: This rule added 7 new industries to the list of industries subject to TRI reporting beginning in RY98.	39,033	2,467,463	129,395	8,006,190
1999 Adjustment - Form R Correction Worksheet: This adjustment revised the number of responses to be more consistent with actual reporting levels. However, it did not correct for overestimation of expected reporting from the Industry Expansion Rule.	(13,226)	(665,666)	116,169	7,340,524
RY 1999 Program Change - PBT Rule: This rule lowered reporting thresholds for certain PBT chemicals, and added other PBT chemicals at lower thresholds beginning in RY 2000.	19,990	1,485,411	136,159	8,825,935
RY 2000 Program Change - Lead Rule: This rule lowered reporting thresholds for lead and lead compounds beginning in RY2001.	9,813	786,169	145,972	9,612,104
January 2003 Form R ICR Renewal: This request incorporated accounting adjustments to reflect actual number of responses.	(57,855)	(4,045,540)	88,117	5,566,564
October 2003 Form R ICR Renewal: This request reflected actual number of responses and accounted for a lower subsequent year reporting burden for non-PBT chemicals.	(4,117)	(1,677,812)	84,000	3,888,752
May 2005 Form R ICR Renewal: This request reflected actual number of responses.	(2,000)	(91,413)	82,000	3,797,339
RY 2005 Program Change - TRI Reporting Forms Modification Rule: This rule eliminated certain data elements and simplified others beginning in RY 2005.	—	(50,749)	82,000	3,746,590
RY 2006 Program Change – TRI Burden Reduction Rule: This rule expanded non-PBT chemical eligibility for Form A and, for the first time, allowed limited use of Form A for PBT chemicals. (As calculated by this ICR.) ¹	(15,100)	(505,117)	66,900	3,241,473
New Data Elements and Revised Instructions: The proposed additions and revisions improve and enhance the data as well as standardize the information collected. ²	(149)	(24,193)	66,751	3,217,280
CURRENT ICR UNIVERSE PROJECTION	—	—	66,751	3,217,280
Note: ¹ Originally recalculated and reported on the OMB Action at 70,139 responses and 3,344,292 hours; estimates in this table are corrected to incorporate a baseline shift (See Footnote 23 for more details).				

6(g) Burden Statement (To appear on Collection Instrument)

The annual public burden related to Form R for calculations, report completion, recordkeeping and submission, which is approved under OMB Control No. 2070-0093, is estimated to average 51.34 hours per response for PBT chemicals and 29.66 hours for Non-PBT chemicals (all estimates include proposed changes). There is additional burden associated with rule familiarization, compliance determination, and supplier notification as described in Table 2a.

Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. **EPA-HQ-TRI-2007-0355**, which is available for online viewing at www.regulations.gov, or in-person viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Environmental Information Docket is (202) 566-1752. The www.regulations.gov site can be used to submit or view public comments, access the index listing of the contents of the public docket, and access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. **EPA-HQ-TRI-2007-0355** and OMB Control No. 2070-0093 in any correspondence.

The completed form should be submitted in accordance with the instructions accompanying the form.

REFERENCES

Certain references cited are available in EPA docket # OPPTS-400104; other references are readily available.

Arbuckle, J. Gordon, et al., 1993. *Environmental Law Handbook, Twelfth Edition*. Government Institutes, Inc., Rockland MD.

Memorandum from J. Karnes to Brian Muehling (EPA/OTS) on Updating of Unit Labor Costs to Reflect Inflation and Industry Comments for CAIR, Centaur Associates Inc. May 28, 1987.

U.S. Department of Commerce, Bureau of the Census. *County Business Patterns - 1997*. Washington, D.C.: Government Printing Office, 1999.

U.S. Department of Labor, Bureau of Labor Statistics. *Employer Costs for Employee Compensation*. U.S. Department of Labor, Washington, D.C. 2006. September.

U.S. EPA, 1999. "Economic Analysis of the Final Rule to Modify Reporting of Persistent Bioaccumulative Toxic Chemicals Under EPCRA §313". Economics, Exposure and Technology Division, Office of Pollution Prevention and Toxics. October 1999.

U.S. EPA, 1986. Emergency Planning and Community Right-to-Know Act of 1986, §313 (42 U.S.C.A. §1023. <http://www.epa.gov/tri/lawsandregs/index.htm>.

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U.S. EPA, . 40 CFR Part 372 Toxic Chemical Release Reporting: Community Right-to-Know. <http://www.epa.gov/tri/lawsandregs/index.htm#cfr>

APPENDIX A
BLANK FORM R

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APPENDIX B
REPORTING FORM INSTRUCTIONS
ASSOCIATED WITH FORM CHANGES

Appendix B: Reporting Form Instructions Associated with Form Changes

This appendix presents the instructions that will accompany the proposed form revisions and additions by data element.

PART 1 FACILITY IDENTIFICATION INFORMATION

4.4 Public Contact

Enter the name and telephone number (including area code) of a person who can respond to questions from the public about the form. You should also enter an e-mail address for this person. If you choose to designate the same person as both the Technical and the Public Contact, or you do not have a Public Contact, you may enter "Same as Section 4.3" in this space. This contact person does not have to be the same person who prepares the form or signs the Certification Statement and does not necessarily need to be someone at the location of the reporting facility.

PART II CHEMICAL-SPECIFIC INFORMATION

Basis of Estimate Instructions (Applies to Form R only)

For each release and otherwise managed waste estimate (Sections 5 & 6), you are required to indicate the principal method used to determine the amount of release and otherwise managed waste reported. You should enter a letter code identifying the method that applies to the largest portion of the total estimated release and otherwise managed waste quantity.

The codes are as follows:

- M1 – Continuous emission monitoring
- M2 – Periodic or random emission monitoring
- C – Mass balance calculations
- E1 – Published emission factor
- E2 – Site-specific emission factor
- O – Other methods of estimation

For example, if 40 percent of stack emissions of the reported EPCRA §313 chemical were derived using source testing data, 30 percent by mass balance, and 30 percent by published chemical-specific emission factors, you should enter the code letter "M2" for periodic or random emission monitoring.

If the monitoring data, mass balance, or emission factor used to estimate the release is not specific to the EPCRA §313 chemical being reported, the form should identify the estimate as based on other methods of estimation (O).

If a mass balance calculation yields the flow rate of a waste, but the quantity of reported EPCRA §313 chemical in the waste is based on solubility data, you should report "O" because engineering

calculations were used as the basis of estimate of the quantity of the EPCRA §313 chemical in the waste.

If the concentration of the EPCRA §313 chemical in the waste was measured by continuous emissions monitoring equipment and the flow rate of the waste was determined by mass balance, then the primary basis of the estimate should be “continuous emission monitoring” (M1). Even though a mass balance calculation also contributed to the estimate, “continuous emission monitoring” should be indicated because monitoring data were used to estimate the concentration of the chemical in waste.

Mass balance (C) should only be indicated if it is **directly** used to calculate the mass (weight) of EPCRA §313 chemical released. Monitoring data should be indicated as the basis of estimate **only** if the EPCRA §313 chemical concentration is measured in the waste. Monitoring data should **not** be indicated, for example, if the monitoring data relate to a concentration of the EPCRA §313 chemical in other process streams within the facility.

It is important to realize that the accuracy and proficiency of release estimation will improve over time. However, submitters are not required to use new emission factors or estimation techniques to revise previous Form R submissions.

INFORMATION TO BE COLLECTED FOR WITHDRAWN AND REVISED FORMS

Submitting a Request to Revise TRI Data

Facilities that filed a Form R and/or Form A Certification Statement under EPCRA §313 may submit a request to revise a form that was previously submitted, stored in the Toxics Release Inventory Processing System (TRIPS), and made available to the public through Envirofacts and TRI Explorer. Facilities may request a revision for one or more of the following reasons:

- New Monitoring Data (RR1)
- New Emission Factor(s) (RR2)
- New Chemical Concentration Data (RR3)
- Recalculation(s) (RR4)
- Other Reason(s) (RR5)

The revision code(s) should be entered in the “Revision” box on the first page of the reporting form. You may enter up to two revision codes on the form.

Please note that late submissions for chemicals not reported in a previous reporting year are not considered revisions for that year.

How do I revise my submission(s)?

If you have determined that your facility wishes to revise a TRI submission, you must send your request to EPA and the appropriate State agency. For submitting a revision to EPA, please use one of the following methods:

1. TRI-MEweb. The preferred method for revising *TRI forms from Reporting Year 2005 through the current year* is to use TRI-MEweb. For more information regarding access to TRI-MEweb, please visit <http://www.epa.gov/tri>. TRI-MEweb provides several advantages compared to hard-copy reporting, such as pre-populating the form with the previous year's data, allowing reporters to electronically sign and submit the form over the Internet, providing automated data quality checks, and electronically confirming EPA's receipt of a submitted form. If you have questions about accessing TRI-MEweb, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

2. TRI-ME via CDX. The preferred method for revising *TRI forms from Reporting Year 2002 through Reporting Year 2004* is to use the TRI Made-Easy (TRI-ME) software and submit the report via CDX and the Internet. You can download the TRI-ME software at <http://www.epa.gov/tri>. If revising a report from a particular reporting year, you must use the TRI-ME software for that same reporting year. For example, if you are revising a form for Reporting Year 2003, you must use the Reporting Year 2003 version of TRI-ME, which is available at <http://www.epa.gov/tri>. If you have questions about using the TRI-ME software and submitting a report through CDX, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

3. TRI-ME via Diskette. If you do not have Internet access and you wish to revise a form for Reporting Year 2005 or a prior year, EPA encourages you to use the TRI-ME software and to submit your revised report by diskette to one of the addresses below. All diskette submissions must be accompanied by a signed Certification Statement. If you do not have the TRI-ME software for the reporting year that you need, please contact EPA at 301-429-5005.

Send diskette and hard copy revision requests by *regular mail* to the following address:

TRI Data Processing Center
P.O. Box 1513
Lanham, MD 20703-1513
Attention: TRI Revision Request

Send diskette and hard copy revision requests by *certified mail or overnight mail* to the following address:

TRI Data Processing Center
c/o Computer Sciences Corporation
Suite 150
8400 Corporate Drive
Landover, MD 20785-2294
Attention: TRI Revision Request

Phone: 301-429-5005

4. Hard Copy Form. EPA strongly discourages paper submissions due to the increased possibility of data entry errors; however, if necessary, you may revise a previously submitted hard-copy form by using either 1) a photocopy of the original or 2) a blank form.

- **Photocopy of Original Submission.** You may submit a photocopy of your original submission (from your file) with the corrections made in blue ink. Please re-sign and re-date the certification statement on Page 1. For RY 2007 revisions and beyond, please enter the appropriate revision code(s). For RY 2006 and prior years, please enter an “X” in the space marked “Enter ‘X’ here if this is a revision,” on page 1 of the form.
- **Blank Form.** Hard copy submissions may be submitted using the form applicable for that particular reporting year or the most recent form available. You can request prior year reporting forms at tridocs@epa.gov. For RY 2007 revisions and beyond, please enter in the appropriate revision code(s). For RY 2006 and prior years, please enter an “X” in the space marked “Enter ‘X’ here if this is a revision,” on page 1 of the form.

See 3. above for mailing instructions for diskette and hard copy revision requests .

Submitting a Request to Withdraw TRI Data

Facilities that filed a Form R and/or Form A Certification Statement under EPCRA §313 may submit a request to withdraw a form that was previously submitted, stored in the Toxics Release Inventory Processing System (TRIPS), and made available to the public through Envirofacts and TRI Explorer. EPA may periodically review withdrawals.

Facilities may request a withdrawal for one or several reasons, such as:

- Did not meet the reporting threshold for manufacturing, processing, or otherwise use (WT1)
- Did not meet the reporting threshold for number of employees (WT2)
- Not in a covered NAICS Code (WT3)
- Other reason(s) (WO1)

The withdrawal code(s) should be entered in the “Withdrawal” box on the first page of the reporting form. You may enter up to two withdrawal codes on the form.

How do I withdraw my submission(s)?

If you have determined that your facility wishes to withdraw a TRI submission, you must send your request to EPA and the appropriate State agency. For submitting a withdrawal to EPA, please use one of the following methods:

1. **TRI-ME *web*.** The preferred method for requesting a withdrawal of a previously submitted TRI form from Reporting Year 2005 through the current year is TRI-ME*web*. For more

information regarding access to TRI-MEweb, please visit <http://www.epa.gov/tri> or contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995.

2. TRI-ME via CDX. For the RY 2007 version of the software only, withdrawals may be submitted electronically using the TRI-ME software and submitting the report via CDX and the Internet. You can download the TRI-ME software at <http://www.epa.gov/tri>. If you have questions about submitting via CDX, please contact the CDX Hotline at epacdx@csc.com or call toll-free at 1-888-890-1995

3. TRI-ME via Diskette. For the RY 2007 version of the software only, withdrawals can be submitted via diskette to one of the addresses below. Withdrawals submitted on diskette using the prior versions of the TRI-ME software will not be accepted.

Send diskette and hard copy withdrawal requests by *regular mail* to the following address:

TRI Data Processing Center
P.O. Box 1513
Lanham, MD 20703-1513
Attention: TRI Withdrawal Request

Send diskette and hard copy withdrawal requests by *certified mail or overnight mail* to the following address:

TRI Data Processing Center
c/o Computer Sciences Corporation
Suite 150
8400 Corporate Drive
Landover, MD 20785-2294
Attention: TRI Withdrawal Request
Phone: 301-429-5005

4. Hard Copy Form. All other withdrawal requests may be submitted by hard copy as follows:

- Reporting Year 2007 Forward. You may submit a photocopy of your original submission (from your file). Using blue ink, re-sign and re-date the certification statement on Page 1 and enter the appropriate withdrawal code(s) in the space provided on page 1 of the form.
- Reporting Year 2006 and Prior Years. Please submit a photocopy of the form you wish to withdraw (from your file), and attach – as a cover page – page 1 of the current year's reporting form, which includes a field for the withdrawal codes. Using blue ink, please sign and date the certification statement and enter the appropriate withdrawal code(s) in the space provided on page 1 of the current year's form.

See 3. above for mailing instructions for diskette and hard copy withdrawal requests.

APPENDIX C
EXAMPLES OF HOW TRI DATA ARE USED

Appendix C

Examples of How TRI Data Are Used

Type of Use	User	Description
GOVERNMENT		
Uses Within EPA	Office of Pollution Prevention and Toxics (OPPT)	OPPT uses TRI data to track environmental progress towards annual performance goals as part of GPRA. Specifically, OPPT is using RSEI data to set risk-based and pollution prevention performance goals. For example, for FY05, OPPT set a goal of 12% reduction from 2001 in the production-adjusted risk-based score of releases and transfers of toxic chemicals. Pollution prevention goals were also determined based on TRI releases; for example, one goal for FY04 was a 32% reduction in TRI-reported releases at federal facilities.
	Office of Air and Radiation (OAR)	OAR's National Emission Inventory (NEI) database contains information about sources that emit criteria air pollutants (and their precursors) and hazardous air pollutants. Several sources, including TRI, are used to compile information on annual air pollutant emissions from point, nonpoint, and mobile sources. Data from the NEI are used for air dispersion modeling, regional strategy development, regulation setting, air toxics risk assessment, and tracking of emissions trends over time.
	Office of Enforcement and Compliance Assurance (OECA) and the Office of Research and Development (ORD)	OECA and ORD developed a "Multi-Media Ranking System" to prioritize sites for enforcement actions and to evaluate the effectiveness of environmental laws in reducing risks from sites. The system ranks sites based on their multi-media releases of pollutants, their potential risk to human health and the environment, and the history of legal violations by the facility. The system combines TRI data with data from EPA air and water databases.
	Office of Solid Waste and Emergency Response (OSWER)	TRI data assist in priority setting for waste minimization efforts by OSWER. Many of the 31 priority chemicals OSWER has identified as the focus for its waste minimization efforts are reported to TRI. In combination with other information OSWER collects on waste minimization, TRI data are useful in analyzing long-term trends and identifying particular industry practices that warrant attention by the program, serving OSWER pollution prevention goals.

	Office of Water (OW)	OW is charged with reviewing and revising the effluent limitations guidelines established under the Clean Water Act (CWA). Guidelines have been established for 55 major industrial categories. OW identifies changes to guidelines for existing industrial categories, plus new industrial categories, if they pose a large risk from toxic discharges. As part of the review process in 2003 and 2004, OW looked at water releases reported in TRI to help the Office identify industries with greater risk for potential revision or implementation of effluent limitations. TRI data were then also used to determine which industries could achieve effluent reductions through a voluntary program rather than new regulation. Use of TRI data was helpful in identifying which industrial sectors' releases were mostly attributed to a small percentage of facilities, as the releases for the sector could potentially be reduced if the largest releasers participated in voluntary pollutant reduction programs.
	Office of Policy, Economics, and Innovation (OPEI)	OPEI launched the Sector Strategies Program in 2003 as an industry-EPA partnership to promote improved environmental performance. TRI data were used to measure environmental performance trends for participating industry sectors, for the first annual report released in 2004. TRI data continue to be used to measure environmental trends in subsequent annual reports. OPEI's Performance Track Program used an analysis of TRI data conducted by the Office of Water in developing water-related regulatory incentives for its members. OW evaluated industrial sectors' TRI data to determine sectors where a small percentage of facilities were responsible for the majority of risk related to water discharges. If these facilities could participate in a voluntary environmental program, the sector as a whole may not require new effluent guidelines. For sectors identified by OW, Performance Track determined the top releasers and evaluated if they would be eligible for this voluntary program. If deemed eligible, current Performance Track facilities in these sectors would also benefit because they would not be subject to increased regulation. However, the analysis indicated that many of the top releasers in those sectors would probably not be eligible due to their level of compliance with environmental requirements.
	National Center for Environmental Economics (NCEE)	Economists at NCEE have used TRI data in environmental justice analyses. In a study of communities in Texas, TRI locational data were used to examine relationships between various socioeconomic factors and siting of facilities. A related study used TRI emissions information to determine if there was a disproportionate burden of risk in different communities. The project incorporated data on pounds released in addition to toxicity weights for the chemicals released to look at the risk factor.
Environmental Solutions	Colorado Department of Public Health and the Environment	The Pollution Prevention (P2) Program of the Colorado Department of Public Health and the Environment used TRI data, in combination with other data about hazardous waste and toxic chemical releases to air and water, to identify the 10 industry organizations responsible for the largest quantities of hazardous waste generation or toxic chemical releases in the state. This research served as the basis for establishing priorities for P2 activities and for distribution of technical assistance grants. The report also aided in targeting large companies for participation in the "Governor's P2 Challenge Program" to reduce

		toxic chemical releases and hazardous waste generation.
Environmental Targeting	U.S. Occupational Safety and Health Administration (OSHA)	For the purpose of targeting exposure screening for facility employees in certain geographic areas, OSHA and local public health departments used TRI data to identify facilities that release specific chemicals. EPA provided OSHA with all submitted TRI data for the 28 facilities that are subject to the OSHA special inspection program. These data provided OSHA inspection teams with valuable information, such as a list of chemicals that are used in significant quantities by each facility.
Risk Assessment	OPPT	OPPT's Risk-Screening Environmental Indicators (RSEI) model provides year-to-year indicators of the potential impacts of TRI chemical releases on human health and the environment. The indicators consider TRI release and transfer volumes, chronic toxicity, exposure potential, and the size of receptor populations. Both generic and site-specific exposure characteristics can be incorporated into the model. The model allows the targeting and prioritization of chemicals, industries, and geographic areas. Facility scores can also be tracked from year to year to analyze trends.
PUBLIC USE		
Citizen Activists and Community Organizations	Silicon Valley Toxics Coalition	California's Silicon Valley Toxics Coalition has used TRI data for more than a decade. The Silicon Valley Environmental Index (www.svep.org) shows "sustainability trends" in Santa Clara County, California. The Index includes information about hazardous materials and air and water quality.
National Organizations	Environmental Defense (ED)	ED launched its Scorecard Web site in 1998 (http://www.scorecard.org). The site's "polluter locator" allows users to perform a search by ZIP code on a database containing information on several thousand chemical-releasing facilities. The Scorecard also provides data on the health effects and regulatory status of different chemicals. The site correlates TRI chemical release data with U.S. Census demographic data.
Direct Negotiation	Pennsylvania Public Interest Research Group (PennPIRG)	In 1998, Butler County, PA, warned pregnant women and infants against drinking water from Connoquenessing Creek due to high levels of nitrates in the water. In its report, PennPIRG used TRI data to highlight the significant quantities of nitrate compounds being released into the creek. The report identified the major source of the nitrates as the AK Steel Corporation. TRI data showed that the company had discharged approximately 29 million pounds of nitrates into the creek in 1997 and 32 million pounds in 1998. This report and several newspaper articles about these toxic chemical releases prompted the state to commit to reduce the levels of nitrates that AK Steel is permitted to release into the creek. Pennsylvania began developing a new water permit to reduce allowable nitrate releases to a level 90 percent lower than the previous level. In June 2000, EPA issued an emergency order requiring AK Steel to significantly reduce the nitrate compounds it discharges into Connoquenessing Creek. In addition, AK Steel was required to provide and pay for an alternative water source for the affected public on any day that the local water plant could not meet the federal maximum nitrate contaminant standard.
Environmental Justice	Local groups in Louisiana	Local groups in Louisiana have used TRI data to illustrate the high toxic chemical release rates in the Mississippi River corridor and the Lake Charles region compared to those in other regions. Several

		small communities have confronted industrial facilities about their toxic chemical releases and possibly related health effects. One illustrative dispute arose in Mossville, Calcasieu Parish, Louisiana, where some residents suspected that poor health in their community was due to the activities of 17 industrial facilities located within one half-mile of the community. Their concerns prompted numerous public interest organizations to collaborate on the report, <i>Breathing Poison: The Toxic Costs of Industries in Calcasieu Parish, Louisiana</i> . The 2000 report used TRI data and information from the Scorecard Web site to convey the health risks to which the community might be exposed. It stated the need for "pollution reduction, environmental health services, and a fair and just relocation for consenting residents."
INDUSTRY USE		
Cost Reduction	Berg Electronics	After reporting toxic chemical releases to the TRI, Berg Electronics realized that it was releasing almost 300,000 pounds of toxic chemicals into the environment annually. By installing a new cleaning system, the company reduced its toxic chemical releases to less than 400 pounds per year. Although the initial costs for the new system were relatively high (\$500,000), the company was able to save approximately \$1.2MM a year by avoiding cleanup and hazardous waste disposal costs.
INTERNATIONAL RIGHT-TO-KNOW		
	Commission for Environmental Cooperation (CEC)	The CEC, which was created by a side-agreement to the North American Free Trade Agreement, began its Pollutant Release and Transfer (PRTR) work by preparing a document that compares U.S. and Canadian PRTR systems. The CEC now develops an annual report, titled <i>Taking Stock</i> that correlates data from the TRI and the Canadian National Pollutant Release Inventory to give an overall view of releases and transfers of toxic chemicals within and between countries. The CEC has also created an Internet search engine that allows the public to obtain continental PRTR data.
INVESTMENT		
	Investor Responsibility Research Center (IRRC)	Using TRI data, the IRRC developed an Emissions Efficiency Index® that indicates which companies have a competitive edge in environmental performance. The Index is predicated on the idea that greater toxic chemical releases are associated with higher risks of negative publicity, more tort actions, and higher costs for pollution control and waste management. IRRC's constituency uses TRI-based information to identify companies with poor environmental records. Using the index, investors can either screen such companies out of their portfolios or purchase shares and use their ownership as leverage to improve environmental performance.
ACADEMIC USE		
Research	Linda Bui, Economics Researcher at Brandeis University	Linda Bui of Brandeis University has used TRI data in her work on the effect of public disclosure laws such as TRI. One such study, published in <i>The Review of Economics and Statistics</i> in 2003, evaluated the relationship between TRI releases and housing prices and other political economy variables. In another study, Bui examined firm-level response of petroleum refineries to public disclosure of their

		toxic chemicals through TRI. TRI releases to air and water were evaluated in relation to firm expenditure on abatement technology for other non-hazardous chemicals discharged. In addition, Bui looked at whether state pollution prevention policies and TRI-type programs helped to explain differences in TRI releases at the refineries across states as a measure of effectiveness of public disclosure policies.
Classroom Use	Delaware's Department of Natural Resources	Delaware's Department of Natural Resources designed a set of lessons for a high school and middle school air quality education program. This program, which incorporates TRI data, includes a lesson on air quality impact associated with industrial sources. Students use the data to locate facilities in their area that have air emissions. They are also able to identify the types and quantity of facility emissions. They can compare businesses that report to TRI between counties and explore the health hazards posed by the reported emissions.

Appendix C References:

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APPENDIX D
INFORMATION SOURCES CONTAINING DATA SUBSETS, BUT NOT
COMPREHENSIVELY COMPARABLE ALTERNATIVES TO TRI DATA

Appendix D
Information Sources Containing Data Subsets, but not Comprehensively Comparable Alternatives to TRI Data
(TRI Included for Comparison)

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
TRI DATA				
EPCRA §313 requires facilities to submit reports on disposal and releases of particular toxic chemicals exceeding a given threshold. The reports provide information on the quantity of chemical released into the environment, to which medium (air, land, water) the chemical was disposed, as well as information about waste management and the amount of chemicals stored on-site.	Approximately 600 toxic chemicals, as defined by Congress in EPCRA.	NAICS codes corresponding to SIC codes 20-39, as well as 10; 12; 4911, 4931, and 4939; 4953; 5169; 5171; and 7389. A facility need only report if it has 10 more FTEs.	Annual	EPA compiles the TRI data and makes them available through several data access tools, including the TRI Explorer and Envirofacts. Other organizations also make the data available to the public through their own data access tools.
AIR EMISSIONS (SECTIONS 5.1 AND 5.2)				
National Emissions Inventory (NEI)				
NEI provides estimates of man-made pollutant emissions from stationary sources, as well as area sources and mobile sources. These estimates, submitted to EPA by delegated authorities (state or county), electric utilities, and/or generated by EPA from various sources, differ in the methodology used.	6 CAPs and 189 HAPs	No NAICS limitations	Triennial	MS Access database files can be downloaded from EPA's FTP site.
Air Facility System (AFS)				
AFS contains compliance and permit data for stationary sources of air pollution regulated by U.S. EPA, and state and local air pollution agencies.	N/A	No NAICS limitations	Annual	Can be accessed through EPA data access tools, Envirofacts or the Enforcement and Compliance History Online (ECHO) database, on a facility-by-facility basis.

Description	Chemical Coverage	Industry/Facility Coverage	Reporting Frequency	Public Access
State Air Emissions Inventories				
Several states and regional agencies maintain their own air emissions inventories. However, the amount of data as well as the types of data elements collected vary widely from state to state.	Varies widely (e.g., the California Air Resources Board maintains its own list of approx. 400 toxic air pollutants)	Varies, but states often develop their own toxics inventories due to perceived gaps in TRI's industry coverage	Varies	Most of these data are submitted to NEI, and some are available on the Web on a state-by-state basis.
Title V Part 70 Operating Permits				
Under the 1990 Clean Air Act Amendments, facilities designated as "major sources" and facilities otherwise subject to §112 and Title W must apply for a Title V Part 70 Operating Permit. As part of the application for a Title V permit, some facilities may have to report emissions of air toxics.	189 HAPs	No NAICS limitations	At the time of permit application, renewal, and modification—permits are typically renewed every 5 years	No central repository for the information.
DIRECT DISCHARGES TO WATER (SECTION 5.3)				
Permit Compliance System (PCS)				
PCS tracks permit compliance and enforcement status of facilities regulated by NPDES under CWA and is managed by EPA's OECA. PCS tracks all point source discharges to surface waters, but does not include indirect releases.	Monitoring data for major dischargers includes only chemicals for which a monitoring requirement has been set in the permit—a facility's record may not include all pollutants actually discharged	No NAICS limitations	Major permittees must submit DMRs monthly or quarterly; nonmajor permittees must submit at least annually	Can be accessed through EPA data access tools, Envirofacts, ECHO, or the Integrated Compliance Information System (ICIS)/NDPES, on a facility-by-facility basis.

UNDERGROUND INJECTION AND LAND DISPOSAL ON-SITE (SECTIONS 5.4 AND 5.5)				
RCRA Biennial Reports				
RCRA requires hazardous waste generators and treatment, storage, and disposal facilities (TSDFs) to report to EPA or to a delegated authority (i.e., the states or EPA Regional offices) at least every two years the quantity and nature, pollution prevention efforts, and disposition of generated hazardous waste.	Biennial Reports contain data on hazardous wastes as defined by RCRA and reported by waste codes—not all of which map directly to a single, unique chemical	No NAICS limitations, however, certain waste categories are excluded (e.g., mining, agriculture)	Biennial	Can be accessed through EPA data access tools, Envirofacts or RCRAInfo, on a facility-by-facility basis.
DISCHARGES TO A POTW (SECTION 6.1)				
RCRA Biennial Reports (BR)				
Biennial Reports require some reporting of discharges to POTWs. (See above for more details.)	(See above)	(See above)	(See above)	(See above)
Permit Compliance System (PCS)				
PCS allows for reporting of indirect discharges to water. (See above for more details.)	(See above)	(See above)	(See above)	(See above)
TRANSFERS TO OTHER OFF-SITE LOCATIONS (SECTION 6.2)				
RCRA Biennial Reports (BR)				
Biennial Reports contain hazardous waste data from large quantity generators and TSDFs. Biennial Reports also require reporting of off-site transfers on Form GM. Information includes the EPA ID of the facility to which the waste was shipped, the processes used to treat, recycle, or dispose of the waste at the off-site facility, the off-site availability code, and the total quantity of waste shipped during the report year. The reports also provide data on the volume of	(See above)	(See above)	(See above)	(See above)

hazardous waste shipped off-site for land disposal, a release end-point of relevance to TRI. (See above for more details.)				
CHEMICAL STORAGE AND INVENTORY DATA (SECTION 4.1)				
EPCRA §312 Tier I and II Reports				
EPCRA §312 requires that states establish plans for local chemical emergency preparedness and that inventory information on hazardous chemicals be reported by facilities to state and local authorities.	Hazardous or extremely hazardous substances (essentially any substance that poses a health or physical hazard)	No NAICS exemptions for facilities that are covered under the reporting threshold requirements, but facilities not included under OSHA's Hazard Communication Standard (e.g., mines) do not have to file	Annual	On a facility-by-facility basis, by forwarding a written request.
Risk Management Plan (RMP)				
Under §112(r) of the Clean Air Act, facilities with processes that use or store more than a specified amount of certain substances are required to develop and implement a risk management program and submit to EPA a summary of their program—called a Risk Management Plan (RMP). These plans include information about chemical amounts stored or processed at RMP facilities.	Certain flammable and toxic substances	No NAICS limitations	At least every five years, or within six months of an incident	Restricted access.
POLLUTION PREVENTION DATA (SECTIONS 8.1-8.7)				
RCRA Biennial Reports (BR)				
Biennial Reports contain pollution prevention information on hazardous waste from large quantity generators and TSDFs. Data are collected primarily by states, and are collated by EPA. (See above for more details.)	(See above)	(See above)	(See above)	(See above)

State Environmental Agency Databases				
Two states, New Jersey and Massachusetts, have passed laws to collect pollution prevention data on materials accounting that exceed that found in Section 8 of Form R.		Include more industries than TRI	Annual	
EMERGENCY RELEASE DATA (SECTION 8.8)				
National Response Center (NRC)				
NRC collects real-time information about virtually all oil and chemical spills throughout the U.S. to identify spills for which to coordinate emergency response.	Oils and chemicals	No source exemptions	Real-time	Historical information about spills can be retrieved through the NRC online query system: http://www.nrc.uscg.mil/foia.html .
Integrated Management Information System (IMIS)				
IMIS is an OSHA database that contains records of workplace health and safety inspections conducted by OSHA industrial hygienists. Two general types of inspections are conducted by OSHA: (1) scheduled or planned inspections, and (2) unplanned inspections, which are investigations of workplace incidents. Inspection data are entered and stored within IMIS, providing a record of OSHA activities at each workplace that has been inspected.	Hazardous substances (no quantity information)	No NAICS limitations	Real-time	Most of the data are online at http://www.osha.gov/pls/imis/industry.html . For any additional information, the public must submit a written Freedom of Information Act (FOIA) request to OSHA.

STATE RIGHT-TO-KNOW PROGRAMS				
Several states require expanded state TRI reporting to include industries/facilities not covered by TRI or to report release information beyond that required by the federal TRI Program. Overall, however, the additional data collected by states are far less complete and uniform than available under the TRI Program. States with additional reporting include Arizona, Massachusetts, Minnesota, and Wisconsin.	Varies by state, but often identical to TRI	Varies, but may include more industries than TRI	Annual	No central repository for the information. Accessibility varies by state.

Appendix D References:

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APPENDIX E
LISTS OF ORGANIZATIONS WITH WHICH EPA HAS CONSULTED

2004 TRI Burden Reduction Stakeholder Meeting List of Participating Organizations
ACCCI/NOPA
AF&PA
American Iron and Steel Institutes
American Petroleum Institute
Analytical Services Corporation
Bureau of National Affairs
CCC
Copper and Brass Fabricators Council
Gibson, National Association of Chemical Distributors
House Government Reform – Sub Reg Affairs
Hunter and Williams; Edison Electric Institutes
MCF Consulting, Inc.
National Association of Chemical Distributors
National Federation of Independent Business
National Petrochemicals and Refiners Association
National Ready Mixed Concrete Association
New Jersey DEP
OMB Watch
Resources Committee, House
SBA Advocacy
Senate EPW Maj. Office
Society of Glass and Ceramic Decorators
SOCMA
Specialty Graphic Imaging Association
U.S. Department of Energy
U.S. Public Interest Research Group
U.S. Small Business Administration
Working Group on Community Right-to-Know

2006 Environmental & Community Right-To-Know Meeting List of Participating Organizations
U.S. PIRG
Unison Institute
OMB Watch

2006 Industry & Small Business Stakeholder Meeting List of Participating Organizations
American Chemistry Council
American Forest & Paper Association
API
Bryan Cave
Consumer Specialty Products Association
EPA Office of Public Liaison
IPC - The Association Connecting Electronics Industries
National Mining Association
National Association of Chemical Distributors
National Federation of Independent Business
National Paint and Coatings Association, Inc.
National Stone, Sand & Gravel Association
Office of Management and Budget
SGIA
Small Business Administration
SOCMA
The Policy Group
Western Business Roundtable

TRI 2006 National Conference List of Participating Organizations
AR Department of Emergency Management
CO Department of Public Health and Environment
DC Department of the Environment
DE Department of Natural Resources & Environmental Control
Environmental Council of the States
FL Department of Environmental Protection
GA Department of Natural Resources, Environmental Protection Division
IN Department of Environmental Management
KS Department of Health & Environment
KY Office of the Commissioner, Department for Environmental Protection
MA Department of Environmental Protection
MD Department of Environment
MI Department of Environmental Quality
MN EPCRA Program
MS Department of Environment Quality
NC Hazardous Waste Section, Division of Waste Management
NE Department of Environmental Quality

NJ Department of Environmental Protection, Office of Pollution Prevention & Right to Know
OH Environmental Protection Agency Division of Air Pollution Control
OK Department of Environmental Quality
OR Office of Homeland Security
PA Department of Environmental Protection
PA Department of Labor & Industry, Bureau of PENNSAFE
SC Department of Health and Environmental Control, Bureau of Air Quality
TX Commission on Environmental Quality
U.S. EPA
U.S. EPA OAQPS
U.S. EPA OAR/OAQPS
U.S. EPA Region 1
U.S. EPA Region 10
U.S. EPA Region 2
U.S. EPA Region 3
U.S. EPA Region 4
U.S. EPA Region 5
U.S. EPA Region 6
U.S. EPA Region 7
U.S. EPA Region 8
U.S. EPA Region 9
U.S. EPA Resource Conservation and Recovery Act, Enforcement Division
U.S. EPA Toxics and Pesticides Enforcement Division
U.S. EPA/NEIC
U.S. EPA/OEI
UT Department of Environmental Quality
VA Department of Environmental Quality
WA Department of Ecology
WY Office Homeland Security

2007 TRI National Training Conference List of Participating Organizations	
AL Department of Environmental Management	
Alaska Inter-Tribal Council (AITC)	
American Petroleum Institute	
Anheuser-Busch Companies, Inc.	
AR Department of Emergency Management	
Belt Paving, Inc.	
BNA	
Bureau of PENNSAFE	
Calvert	

Chevron
CITGO Petroleum Corporation
CO Department of Public Health and Environment
Commission for Environmental Cooperation (CEC)
ConocoPhillips
DE Department of Natural Resources & Environmental Control
Department of the Army Ft. Meade
DuPont
ECOS
Environment Canada
Environmental Services Section
ExxonMobil
FL Department of Environmental Protection
Government Accountability Office
IA Department of Natural Resources
ID Bureau of Homeland Security
IN Department of Environmental Management
Inside EPA
IPC Association Connecting Electronics Industries
KS Department of Health & Environment
KY Department for Environmental Protection
MA Department of Environmental Protection
Maniilaq
Marathon Petroleum Company
MI Department of Environmental Quality
MO Department of Natural Resources
Monterey Institute of International Studies and United Nations Institute for Training and Research
MS Department of Environment Quality
NC Emergency Management
ND Emergency Services
NE Department of Environmental Quality
NIH / National Library of Medicine
NJ Department of Environmental Protection
NJ Department of Health
Northrup Grumman Corporation
NY State Department of Environmental Conservation
OH Environmental Protection Agency
OK Department of Environmental Quality
OR State Fire Marshall
Rock-Tenn Company
SC Department of Health and Environmental Control
SD Department of Environment & Natural Resources
Shell Global Solutions
Society of Glass and Ceramic Decorators

SOCMA
Thompson Publishing
TX Commission on Environmental Quality
U. S. EPA Region 8
U.S. Army Corps of Engineers
U.S. Army Environmental Command
U.S. Army Reserve 94th Environmental
U.S. Department of Energy
U.S. EPA
U.S. EPA Region 1
U.S. EPA Region 10
U.S. EPA Region 10
U.S. EPA Region 2
U.S. EPA Region 3
U.S. EPA Region 4
U.S. EPA Region 5
U.S. EPA Region 6
U.S. EPA Region 7
U.S. EPA Region 8
U.S. EPA Region 9
U.S. EPA/NEIC
U.S. EPA/OAPQS
U.S. EPA/OEI
U.S. EPA/OPPT
U.S. EPA/OSWER
U.S. GAO
U.S. Public Health Service
U.S. Small Business Administration
University of Maryland Baltimore Campus
UT Department of Environmental Quality
VA Department of Environmental Quality
WA Department of Ecology

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APPENDIX F
FACILITIES REQUIRED TO REPORT TO TRI (NAICS)

Table F-1
Facilities Required to Report to TRI (NAICS)
(Corresponding to SIC codes 20 through 39)

Subsector or Industry Code	Exceptions and/or Limitations
311	<p>Except 311119 - Exception is limited to facilities primarily engaged in Custom Grain Grinding for Animal Feed (previously classified under SIC 0723, Crop Preparation Services for Market, Except Cotton Ginning);</p> <p>Except 311330 - Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311340 - Exception is limited to facilities primarily engaged in the retail sale of candy, nuts, popcorn and other confections not for immediate consumption made on the premises (previously classified under SIC 5441, Candy, Nut, and Confectionery Stores);</p> <p>Except 311811 - Retail Bakeries (previously classified under SIC 5461, Retail Bakeries);</p> <p>Except 311611 - Exception is limited to facilities primarily engaged in Custom Slaughtering for individuals (previously classified under SIC 0751, Livestock Services, Except Veterinary, Slaughtering, custom: for individuals);</p> <p>Except 311612 - Exception is limited to facilities primarily engaged in the cutting up and resale of purchased fresh carcasses for the trade (including boxed beef) (previously classified under SIC 5147, Meats and Meat Products);</p>
312	<p>Except 312229 - Exception is limited to facilities primarily engaged in providing Tobacco Sheeting Services (previously classified under SIC 7389, Business Services, NEC);</p>
313	<p>Except 313311 - Exception is limited to facilities primarily engaged in converting broadwoven piece goods and broadwoven textiles (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, broadwoven and non-broadwoven piece good converters), and facilities primarily engaged in sponging fabric for tailors and dressmakers (previously classified under SIC 7389, Business Services, NEC (Sponging fabric for tailors and dressmakers));</p> <p>Except 313312 - Exception is limited to facilities primarily engaged in converting narrow woven textiles, and narrow woven piece goods (previously classified under SIC 5131, Piece Goods Notions, and Other Dry Goods, converters, except broadwoven fabric);</p>
314	<p>Except 314121 - Exception is limited to facilities primarily engaged in making custom drapery for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores);</p> <p>Except 314129 - Exception is limited to facilities primarily engaged in making custom slipcovers for retail sale (previously classified under SIC 5714, Drapery, Curtain, and Upholstery Stores);</p> <p>Except 314999 - Exception is limited to facilities primarily engaged in binding carpets and rugs for the trade, carpet cutting and binding, and embroidering on textile products (except apparel) for the trade (previously classified under SIC 7389, Business Services Not Elsewhere Classified, Embroidering of advertising on shirts and Rug binding for the trade);</p>
315	<p>Except 315222 - Exception is limited to custom tailors primarily engaged in making and selling men's and boys' suits, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors));</p> <p>Except 315223 - Exception is limited to custom tailors primarily engaged in making and selling men's and boys' dress shirts, cut and sewn from purchased fabric (previously classified under SIC 5699, Miscellaneous Apparel and Accessory Stores (custom tailors));</p> <p>Except 315233 - Exception is limited to custom tailors primarily engaged in making and selling bridal dresses or gowns, or women's, misses' and girls' dresses cut and sewn from purchased fabric (except apparel contractors) (custom dressmakers) (previously classified under SIC Code 5699, Miscellaneous Apparel and Accessory Stores);</p>
316	
321	
322	
323	<p>Except 323114 - Exception is limited to facilities primarily engaged in reproducing text, drawings, plans, maps, or other copy, by blueprinting, photocopying, mimeographing, or other methods of duplication other than printing or microfilming (i.e., instant printing) (previously classified under SIC 7334, Photocopying and Duplicating Services</p>

	(instant printing));
324	
325	Except 325998 - Exception is limited to facilities primarily engaged in aerosol can filling on a job order or contract basis (previously classified under SIC 7389, Business Services, NEC (aerosol packaging));
326	Except 326212 - Tire Retreading (previously classified under SIC 7534, Tire Retreading and Repair Shops (rebuilding));
327	
331	
332	
333	
334	
335	
336	
337	<p>Except 337110 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and facilities that manufacture custom wood kitchen cabinets and counter tops (previously classified under SIC 5712, Furniture Stores (custom wood cabinets));</p> <p>Except 337121 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and facilities that manufacture custom made upholstered household furniture (previously classified under SIC 5712, Furniture Stores (upholstered, custom made furniture));</p> <p>Except 337122 - Exception is limited to facilities primarily engaged in the retail sale of household furniture and facilities that manufacture nonupholstered, household type, custom wood furniture (previously classified under SIC 5712, Furniture Stores (custom made wood nonupholstered household furniture except cabinets));</p>
339	<p>Except 339115 - Exception is limited to lens grinding facilities that are primarily engaged in the retail sale of eyeglasses and contact lenses to prescription for individuals (previously classified under SIC 5995, Optical Goods Stores (optical laboratories grinding of lenses to prescription));</p> <p>Except 339116 - Dental Laboratories (previously classified under SIC 8072, Dental Laboratories);</p>
111998	Limited to facilities primarily engaged in reducing maple sap to maple syrup (previously classified under SIC 2099, Food Preparations, NEC, Reducing Maple Sap to Maple Syrup);
211112	Limited to facilities that recover sulfur from natural gas (previously classified under SIC 2819, Industrial Inorganic Chemicals, NEC (recovering sulfur from natural gas));
212324	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1455));
212325	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay and ceramic and refractory minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1459));
212393	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1479));
212399	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals (previously classified under SIC 3295, Minerals and Earths, Ground or Otherwise Treated (grinding, washing, separating, etc. of minerals in SIC 1499));
488390	Limited to facilities that are primarily engaged in providing routine repair and maintenance of ships and boats from floating drydocks (previously classified under SIC 3731, Shipbuilding and Repairing (floating drydocks not associated with a shipyard));
511110	
511120	
511130	
511140	Except facilities that are primarily engaged in furnishing services for direct mail advertising including address list compilers, address list publishers, address list publishers and printing combined, address list publishing, business directory publishers, catalog of collections publishers, catalog of collections publishers and printing combined, mailing list compilers, directory compilers, and mailing list compiling services (previously classified under SIC 7331, Direct Mail Advertising Services (mailing list compilers));
511191	
511199	

512220	
512230	Except facilities primarily engaged in music copyright authorizing use, music copyright buying and licensing, and music publishers working on their own account (previously classified under SIC 8999, Services, NEC (music publishing));
516110	Limited to facilities primarily engaged in Internet newspaper publishing (previously classified under SIC 2711, Newspapers: Publishing, or Publishing and Printing), Internet periodical publishing (previously classified under SIC 2721, Periodicals: Publishing, or Publishing and Printing), Internet book publishing (previously classified under SIC 2731, Books: Publishing, or Publishing and Printing), miscellaneous Internet publishing (previously classified under SIC 2741, Miscellaneous Publishing), Internet greeting card publishers (previously classified under SIC 2771, Greeting Cards);
541710	Limited to facilities that are primarily engaged in guided missile and space vehicle engine research and development (previously classified under SIC 3764, Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts), and in guided missile and space vehicle parts (except engines) research and development (previously classified under SIC 3769, Guided Missile and Space Vehicle Parts and Auxiliary Equipment, Not Elsewhere Classified);
811490	Limited to facilities that are primarily engaged in repairing and servicing pleasure and sail boats without retailing new boats (previously classified under SIC 3732, Boat Building and Repairing (pleasure boat building));

Table F-2
Facilities Required to Report to TRI (NAICS)
(Corresponding to SIC codes other than SIC codes 20 through 39)

Subsector or Industry Code	Exceptions and/or Limitations
212111	
212112	
212113	
212221	
212222	
212231	
212234	
212299	
221111	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221112	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221113	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221119	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221121	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
221122	Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce.
424690	
424710	
425110	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
425120	Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified.
562112	Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC);
562211	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562212	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562213	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562219	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>
562920	Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 <i>et seq.</i>